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FEDERAL REGISTER

VOLUME 25 NUMBER 77

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The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

SUBCHAPTER A—MARKETING ORDERS

[1021.302, Amdt. 1]

PART 1021—TOMATOES GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

Pursuant to the recommendation of the Texas Valley Tomato Committee and on the basis of other available information, the limitation of shipments regulation issued under Marketing Order No. 121 (7 CFR Part 1021; 24 F.R. 2425), regulating the handling of tomatoes grown in the counties of Cameron, Hidalgo, Starr, and Willacy in Texas (Lower Rio Grande Valley), and published in the FEDERAL REGISTER of March 25, 1960 (25 F.R. 2513) is hereby amended as set forth below. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Order, as amended. In § 1021.302 (25 F.R. 2513), delete the introductory paragraph and substitute a new introductory paragraph as follows:

§ 1021.302 Limitation of shipment.

Except as otherwise provided in this section, during the period May 2, 1960, through July 2, 1960, the following regulations shall be effective with respect to all varieties of tomatoes handled, as defined in § 1021.7 of Order No. 121, and no person shall handle such tomatoes or cause such tomatoes to be handled unless they are inspected and certified as required by paragraph (b) of this section, and meet the requirements of paragraph (a) of this section:

It is hereby found that good cause exists in not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011) in that (1) the effective date of the limitation of shipments regulation published in the FEDERAL REGISTER of March 25, 1960 (25 F.R. 2513) was set for April 11, 1960, due to the expectation that the handling of tomatoes in the production area would begin on or about that date, but it has been determined that handling of tomatoes grown in the production area will not begin until on or about May 2, 1960; (2) compliance with this amendment will not require any special preparation on the part of the handlers which cannot be completed by May 2, 1960; and (3) this amendment removes restrictions on the handling of tomatoes grown in the production area from the effective date hereof until May 2, 1960.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 15, 1960, to become effective 12:01 a.m., e.s.t., April 16, 1960.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 60-3577; Filed, Apr. 19, 1960; 8:50 a.m.]

SUBCHAPTER B—PROHIBITIONS OF IMPORTED COMMODITIES

[Amdt. 1]

PART 1065—TOMATOES

Import Restrictions

Pursuant to the requirements of section 8e (7 U.S.C. 608e) of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), the regulation published in the FEDERAL REGISTER of March 25, 1960 (25 F.R. 2514) restricting the importation of tomatoes is hereby amended as set forth below.

Order, as amended. In § 1065.5 (25 F.R. 2514), delete paragraph (b) and substitute a new paragraph (b) as follows:

§ 1065.5 Tomato Regulation No. 5.

* * * * *

(b) *Import restrictions.* During the period from May 2, 1960, to July 2, 1960, both dates inclusive, and subject to the General Regulations (Part 1060 of this chapter) applicable to the importation of listed commodities and the requirements of this section, no person shall import any tomatoes of any variety, except elongated types, commonly referred to as pear shaped or paste tomatoes and including, but not limited to, San Marzano, Red Top, and Roma varieties; and cerasiform type tomatoes, commonly referred to as cherry tomatoes, unless such tomatoes meet the requirements of the U.S. No. 2, or better grade, and are 2$\frac{1}{32}$ inches minimum diameter or larger: *Provided,* That not more than ten (10) percent by count, of the tomatoes in any lot of 7 x 7 (2$\frac{1}{32}$ inches minimum diameter to 2$\frac{9}{32}$ inches maximum diameter) may be smaller than the specified minimum diameter.

This amendment accords with a simultaneous amendment to the limitation of shipments regulation effective on domestic shipments of tomatoes (§ 1021.302, Amendment No. 1) under Marketing Order No. 121 (7 CFR Part 1021; 23 F.R. 2425) regulating the handling of tomatoes grown in the counties of Cameron, Hidalgo, Starr, and Willacy in Texas (Lower Rio Grande Valley) and removes restrictions on the importation of tomatoes from the effective date hereof until May 2, 1960, the date when the limitation of shipments regulation, as amended, will become applicable to domestic shipments of tomatoes under this marketing order. Accordingly, notice of rule making and public procedure hereon are unnecessary and impractical and there is no reason to postpone the effective date of this amendment beyond April 16, 1960 (5 U.S.C. 1001–1011).

Dated: April 15, 1960, to become effective 12:01 a.m., e.s.t., April 16, 1960.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 60-3578, Filed, Apr. 19, 1960; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—PAYMENT OF INTEREST ON DEPOSITS

Time of Receipt of Savings Deposit for Grace Period Purposes

§ 217.115 Time of receipt of savings deposit for grace period purposes.

(a) Paragraph (d) of § 217.3 provides that a member bank may pay interest on a savings deposit received during the first 10 calendar days of any calendar month at the applicable maximum rate prescribed by the Regulation from the first day of such calendar month until such deposit is withdrawn or ceases to constitute a savings deposit, whichever shall first occur. The opinion of the Board of Governors has been requested as to whether deposits received under the following circumstances will be eligible to receive interest from the first of the month:

(1) Mail deposits postmarked the 10th or earlier;

(2) Deposits received in the "drop box" located in the bank lobby and opened the morning of the 11th;

(3) Deposits received in the night depository and opened the morning of the 11th;

(4) Collections outstanding until the 11th or a subsequent date;

(5) Auto bank deposits not received in the savings department until the morning of the 11th;

(6) Transfers from branches received at the Main Office on the 11th;

(7) Inter-department credits held over until the 11th due to late hour business.

(b) As to the first situation, it is the Board's opinion that the postmark does not determine when the deposit is delivered to the bank; that is, received by it. The customer adopts the post office as his agent and, therefore, must rely upon such agent making the deposit within the first 10 calendar days.

(c) In the second and third situations, deposit in the drop box or night depository during the first 10 calendar days amounts to receipt by the bank and the day the bank opens the drop box or night depository does not change this. An extreme situation would be when the 10th day is Saturday and the drop box or night depository is not opened until Monday, the 12th. Although a deposit may possibly have been made on the 11th, the bank might reasonably assume that the deposit was made within the 10 calendar days.

(d) As to the fourth situation, items received for collection on or before the 10th calendar day may be included although final credit is not given until after the 10th day.

(e) In situations five, six, and seven, if the deposit is delivered to the bank, branch, or any office thereof by the 10th calendar day, interest may be credited from the 1st day of the month regardless of when the item is processed and credit is given.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interprets or applies secs. 19, 24, 38 Stat. 270, 273, as amended, sec. 8, 48 Stat. 168, as amended; 12 U.S.C. 264(c)(7), 371, 371a, 371b, 461)

Dated at Washington, D.C., this 11th day of February 1960.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 60-3542; Filed, Apr. 19, 1960; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 325; Amdt. 134]

PART 507—AIRWORTHINESS DIRECTIVES

Lockheed 188 Series Aircraft

As a result of two fatal accidents involving Lockheed Model 188 Series aircraft, it has been determined that operational restrictions are necessary pending results of investigation into the cause.

In view of the foregoing, the Administrator found that a situation existed requiring immediate action in the interest of safety, that notice and public procedure thereon were impracticable and contrary to the public interest, and that good cause existed for taking corrective action. Accordingly, an airworthiness directive containing certain operational restrictions was adopted on March 20, 1960, and made effective immediately as to all known operators of Lockheed Model 188 Series aircraft by individual telegrams dated March 20, 1960. It was subsequently determined that further operational restrictions were necessary in the interest of safety. Consequently, on March 25, 1960, an airworthiness directive was adopted, amending the directive adopted March 20, 1960, and made effective immediately as to all known operators of Lockheed Model 188 Series aircraft by individual telegrams dated March 25, 1960. It is hereby published as an amendment to § 507.10(a) (14 CFR Part 507) and shall become effective upon the date of its publication in the FEDERAL REGISTER as to all other persons:

LOCKHEED. Applies to all Model 188 Series aircraft.

Compliance required as indicated.

(a) Post following two placards in full view of pilot:

(1) Following operating speeds shall be observed, V_{NO} normal operating speed equal to 225 knots CAS or MACH number 0.55; V_{NE} never exceed speed equal to 245 knots CAS or MACH number 0.55.

(2) Feather propeller in event the torquemeter indicator should go to zero or full scale in flight.

(b) The Federal Aviation Agency approved air speed limitations section of airplane flight manual is hereby amended to incorporate these speed values.

(c) Deactivate autopilot until FAA approved modifications covered in Lockheed Alert Service Bulletin No. 453 are incorporated.

(d) Refueling procedures recommended in Lockheed Service Airgram FS/238716W dated October 23, 1959, shall be followed.

This amendment shall become effective upon publication in the FEDERAL REGISTER as to all persons not receiving individual notice by telegram dated March 25, 1960.

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on April 15, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-3623; Filed, Apr. 19, 1960; 8:52 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

Response to Comments on Statement of Administrative Policy Regarding Balance Sheet Treatment of Credit Equivalent to Reduction in Income Taxes

§ 211.86 Response to comments on statement of administrative policy regarding balance sheet treatment of credit equivalent to reduction in income taxes.

The Securities and Exchange Commission today made public a letter sent by its Chief Accountant, Andrew Barr, to Mr. Carman G. Blough, Director of Research, American Institute of Certified Public Accountants, in response to his comment on this Commission's Statement of Administrative Policy Regarding Balance Sheet Treatment of Credit Equivalent to Reduction in Income Taxes published at 25 F.R. 1940, March 5, 1960. The text of the letter follows:

The Commission has authorized me to respond to your letter in which you express concern over the wording of the last sentence in the first full paragraph on page 4 and the first sentence of the paragraph immediately following it in Securities Act of 1933 Release No. 4191 (also identified as Securities Exchange Act of 1934 Release No. 6189, Holding Company Act Release No. 14173, Investment Company Act of 1940 Release No. 2977, and Accounting Series Release No. 85). The full paragraph to which you refer and the following sentence read as follows:

"A number of comments indicated that, should the Commission take the foregoing position, it should be limited to matters connected with depreciation and amortization or, if not so limited, any additional items embraced within this principle should be clearly specified. It is the Commission's view, however, that comparable recognition of tax deferment should be made in all cases in which there is a tax reduction resulting from deducting costs for tax purposes at faster rates than for financial statement purposes. (Footnote omitted.)

The Committee on Accounting Procedure of the American Institute of Certified Public Accountants agrees with the position expressed above."

It was not the Commission's intention by the publication of this release, stating an administrative policy regarding balance sheet treatment of the credit equivalent to the reduction in income taxes when deferred tax accounting is employed, to make mandatory the use of deferred tax accounting beyond the requirements of generally accepted accounting principles.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

APRIL 8, 1960.

[F.R. Doc. 60-3555; Filed, Apr. 19, 1960; 8:47 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 237—INSURANCE ANNUITIES AND LUMP SUMS FOR SURVIVORS

Miscellaneous Amendment; Corrections

In Federal Register document 60-3113 (25 F.R. 2890 and 2891, dated April 6, 1960), the following corrections are made:

1. Section 237.501, line 52, change the word "rate" to "date".

2. Section 237.607, line 10, the word "empleyee" should read "employee".

Dated: April 12, 1960.

By authority of the Board.

MARY B. LINKINS,
Secretary of the Board.

[F.R. Doc. 60-3554; Filed, Apr. 19, 1960; 8:47 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 73—BIOLOGICAL PRODUCTS

Revision of Part

On February 12, 1960, various amendments to Part 73 were published in the FEDERAL REGISTER (24 F.R. 1247). Included were a revision of the provisions relating to tests for sterility and extensive amendments relating to miscellaneous provisions made primarily for purposes of clarification. It has now been determined that additional minor amendments are necessary to correct internal references and for editorial purposes. In view of the large number of changes involved, reissuance of Part 73 in its entirety is advisable. In view of the nature of such changes as are involved, and in the public interest, compliance with the notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 1003) is unnecessary. Part 73 is hereby revised to read as set forth below, effective immediately upon publication in the FEDERAL REGISTER, except § 73.73 and the references thereto, which shall become effective on April 12, 1960.

DEFINITIONS

Sec.
73.1 Definitions.

LICENSES: PROCEDURE

73.2 Two forms of licenses.
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AUTHORITY: §§ 73.1 to 73.306 issued under sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interpret or apply sec. 351, 58 Stat. 702; 42 U.S.C. 262. Other statutory provisions interpreted or applied are cited to text in parentheses.

CROSS REFERENCES: For Department of Health, Education, and Welfare regulations relating to drugs as defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), see 21 CFR, Subchapter C. For exemption from section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) of new drugs licensed under the Public Health Service Act, see 21 CFR 130.2. For drugs intended solely for investigational use, see 21 CFR 1.114. For Bureau of Customs regulations relating to viruses, serums and toxins, see 19 CFR 12.21–12.23. For Post Office regulations relating to the admissibility to the United States mails see 39 CFR Parts 14 and 15, esp. § 15.(2).

DEFINITIONS

§ 73.1 Definitions.

As used in this part:

(a) "Act" means the Public Health Service Act (58 Stat. 682), approved July 1, 1944.

(b) "Secretary" means the Secretary of Health, Education, and Welfare.

(c) "Surgeon General" means the Surgeon General of the United States Public Health Service.

(d) "Institutes" means the National Institutes of Health in the Public Health Service.

(e) "Division of Biologics Standards" means the Division of Biologics Standards of the National Institutes of Health.

(f) "State" means a State or the District of Columbia, Puerto Rico, or the Virgin Islands.

(g) "Possession" includes among other possessions, Puerto Rico and the Virgin Islands.

(h) "Biological product" means any virus, therapeutic serum, toxin, antitoxin, or analogous product applicable to the prevention, treatment or cure of diseases or injuries of man:

(1) A virus is a product containing the minute living cause of an infectious disease.

(2) A therapeutic serum is the product obtained from the blood of an animal by removing the clot or clot components and the blood cells and intended for administration by a route other than ingestion.

(3) A toxin is a product containing a soluble substance poisonous to laboratory animals or to man in doses of 1 milliliter or less (or equivalent in weight) of the product, and having the property, following the injection of non-fatal doses into an animal, of causing to be produced therein another soluble substance which specifically neutralizes the poisonous substance and which is demonstrable in the serum of the animal thus immunized.

(4) An antitoxin is a product containing the soluble substance in serum or other body fluid of an immunized animal which specifically neutralizes the toxin against which the animal is immune.

(5) A product is analogous:

(i) To a virus if prepared from or with a virus or agent actually or potentially infectious, without regard to the degree of virulence or toxicogenicity of the specific strain used.

(ii) To a therapeutic serum, if composed of whole blood or plasma or containing some organic constituent or product other than a hormone or an amino acid, derived from whole blood, plasma, or serum and intended for administration by a route other than ingestion.

(iii) To a toxin or antitoxin, if intended, irrespective of its source of origin, for the prevention, treatment, or cure of diseases or injuries of man through specific immunization.

(i) "Trivalent organic arsenicals" means arsphenamine and its derivatives (or any other trivalent organic arsenic compound) applicable to the prevention, treatment, or cure of diseases or injuries of man.

(j) "Products" includes biological products and trivalent organic arseni-

cals. A product is deemed "applicable to the prevention, treatment or cure of diseases or injuries of man" irrespective of the mode of administration or application recommended, including use when intended, through administration or application to a person, as an aid in diagnosis or in evaluating the degree of susceptibility or immunity possessed by a person, and including also any other use for purposes of diagnosis if the diagnostic substance so used is prepared from or with the aid of a biological product.

(k) "Proper name", as applied to a product, means the name designated in the license for use upon each container of the product.

(l) "Dating period" means the period beyond which the product cannot be expected beyond reasonable doubt to yield its specific results.

(m) "Expiration date" means the date of termination of the dating period.

(n) The word "standards" means specifications and procedures applicable to an establishment or to the manufacture or release of products, which are prescribed in this part and which are designed to insure the continued safety, purity and potency of such products.

(o) The word "continued" as applied to the safety, purity and potency of products is interpreted to apply to the dating period.

(p) The word "safety" is interpreted to apply to the relative freedom from harmful effect to the recipient when a product is prudently administered taking into consideration the character of the product in relation to the condition of the patient at the time.

(q) The word "sterility" is interpreted to mean freedom from viable contaminating microorganisms, as determined by the tests prescribed in § 73.73.

(r) The word "purity" is interpreted to mean the degree of freedom from extraneous matter, whether harmful to the recipient, deleterious to the product or otherwise, in the finished product.

(s) The word "potency" is interpreted to mean the specific ability or capacity of the product, as indicated by appropriate laboratory tests or by adequately controlled clinical data obtained through the administration of the product in the manner intended, to effect a given result.

(t) "Manufacturer" means any legal person or entity engaged in the manufacture of a product subject to license under the Act.

(u) "Manufacture" means all steps in propagation or manufacture and preparation of products and includes but is not limited to filling, testing, labeling, packaging, and storage by the manufacturer.

(v) "Location" includes all buildings, appurtenances, equipment and animals used, and personnel engaged by a manufacturer within a particular area designated by an address adequate for identification.

(w) "Establishment" includes all locations.

(x) "Lot" means that quantity of uniform material identified by the manufacturer as having been thoroughly mixed in a single container.

(y) "Selling agent" or "distributor" means any person engaged in the unrestricted distribution, other than by sale at retail, of products subject to license.

LICENSES: PROCEDURE

§ 73.2 Two forms of licenses.

There shall be two forms of licenses: establishment and product.

§ 73.3 Application for establishment and product licenses; procedure for filing.

To obtain a license for any establishment or product, the manufacturer shall make application to the Director, Division of Biologics Standards, on forms prescribed for such purpose, and in the case of an application for a product license, shall submit data derived from laboratory and clinical studies which demonstrate that the manufactured product meets prescribed standards of safety, purity and potency, a full description of manufacturing methods, data establishing stability of the product through the dating period, sample(s) representative of the product to be sold, bartered or exchanged or offered, sent, carried or brought for sale, barter or exchange, summaries of results of tests performed on the lot(s) represented by the submitted sample(s), and specimens of the labels, enclosures and containers proposed to be used for the product. An application for license shall not be considered as filed until all pertinent information and data shall have been received from the manufacturer by the Division of Biologics Standards.

§ 73.4 Establishment licenses; issuance and conditions.

(a) *Inspection—compliance with standards.* An establishment license shall be issued only after inspection of the establishment and upon a determination that the establishment complies with the applicable standards prescribed in the regulations in this part.

(b) *Availability of product; simultaneous request for and issuance of product license.* No establishment license shall be issued unless (1) a product intended for sale, barter or exchange or intended to be offered, sent, carried or brought for sale, barter or exchange is available for examination, (2) such product is available for inspection during all phases of manufacture and (3) a product license is requested and issued simultaneously with the establishment license.

(c) *One establishment license to cover all locations.* One establishment license shall be issued to cover all locations meeting the establishment standards.

§ 73.5 Product licenses; issuance and conditions.

(a) *Examination—compliance with standards.* A product license shall be issued only upon examination of the product and upon a determination that the product complies with the standards prescribed in the regulations in this part: *Provided,* That no product license shall be issued except upon a determination that the establishment complies with the establishment standards prescribed in the regulations contained in this part, applicable to the manufacture of such product.

(b) *Manufacturing process—impairment of assurances.* No product shall be licensed if any part of the process of or relating to the manufacture of such product, in the judgment of the Surgeon General, would impair the assurances of continued safety, purity and potency as provided by the regulations contained in this part.

§ 73.6 License forms.

(a) *Establishment license.* The establishment license form shall be prescribed by the Surgeon General and shall include:

(1) The name and address of the manufacturer.

(2) The name and address of the establishment.

(3) The names and addresses of all locations of the establishment.

(4) The license number.

(5) The date of issuance.

(b) *Product license.* The product license form shall be prescribed by the Surgeon General and shall include:

(1) The name and address of the manufacturer.

(2) The name and address of the establishment.

(3) The name and address of each location at which the product is manufactured.

(4) The license number of the establishment.

(5) The proper name of the product, with additional specifications, if any, which may be approved or required for additional labeling purposes.

§ 73.7 Changes to be reported.

Important changes in location, equipment, management and responsible personnel, or in manufacturing methods and labeling of any licensed product or of any product for which an application for a license is pending shall be immediately reported to the Director, Division of Biologics Standards, by any establishment holding a license, and, unless in case of an emergency, not less than 30 days in advance of the time such changes are made; failure to make such report shall constitute a ground for summary suspension of a license pending reinspection of the establishment or re-examination of the product.

§ 73.8 Products under development.

A biological product or trivalent organic arsenical undergoing development, but not yet ready for a product license, may be shipped or otherwise delivered from one State or possession into another State or possession provided such shipment or delivery is not for sale, barter or exchange and is in accordance with section 505 of the Federal Food, Drug, and Cosmetic Act, as amended, and the regulations thereunder.

§ 73.9 Issuance, revocation or suspension.

A license shall be issued by the Secretary upon the recommendation of the Surgeon General and upon the determination by the Surgeon General that the establishment or the product, as the case may be, meets the standards estab-

lished by the regulations in this part as herein prescribed or hereafter amended. Licenses shall be valid until suspended or revoked. An establishment or product license shall be revoked upon application of the manufacturer giving notice of intention to discontinue the manufacture of all products or of intention to discontinue the manufacture of a particular product for which a license is held. The Surgeon General shall recommend to the Secretary that a license be suspended or revoked whenever he finds, after notice and opportunity for hearing, that the establishment or any location thereof, or the product for which the license has been issued, fails to conform to the standards in the regulations in this part, as herein prescribed or as hereafter amended, designed to insure the continued safety, purity and potency of the manufactured product. In case of suspension, if the faulty condition is not corrected within 60 days or within such other period as may be specified in the notice of suspension, he shall recommend that the license be revoked. Except as provided in § 73.11, prior to the institution of proceedings looking to the suspension or revocation of a license the licensee shall be advised in writing of the facts or conduct which may warrant such action and shall be accorded opportunity within a reasonable period prescribed by the Surgeon General to demonstrate or achieve compliance with the regulations in this part.

§ 73.10 Licenses heretofore issued.

Any license heretofore issued and in effect upon the effective date of the regulations in this part shall remain in effect unless and until superseded by a new license, or suspended or revoked, pursuant to the regulations in this part.

§ 73.11 Summary suspension.

Whenever the Surgeon General has reasonable ground to believe that an establishment or product for which a license has been issued fails to conform to the standards prescribed in the regulations in this part, and that by reason of such failure and of failure of the manufacturer to take prompt corrective measures on notice thereof, the distribution or sale of a licensed product would constitute a danger to health, or that the establishment and manufacturing methods have been so changed as to require in order to protect the public health a new showing that the establishment or product meets the standards prescribed in the regulations in this part, he may recommend to the Secretary that the license for the establishment or the product be summarily suspended and the manufacturer be required (a) to notify the selling agents and distributors to whom such product or products have been delivered of such suspension, (b) to furnish complete records of such deliveries and notice of suspension, and (c) to show cause within 60 days or such other period as may be specified in the order why the license should not be revoked.

§ 73.12 Review Board.

When deemed advisable by the Surgeon General, in matters involving the safety, purity and potency of licensed products or products for which an application for license is pending, the reports of inspection and laboratory examinations, together with any pertinent data the establishment may submit, shall be passed upon by a special board of three officers appointed by the Surgeon General for that purpose. The board shall report its findings to the Surgeon General who will forward its report, together with his findings and recommendations, to the Secretary.

§ 73.13 Opportunity for hearing.

Any manufacturer whose application for a license has been denied, or whose establishment or product license has been summarily suspended, without prior opportunity for hearing, may appeal from such denial or suspension and shall be entitled to a hearing thereon before a review body constituted as provided in § 73.12. The Surgeon General, upon review of the record, may affirm, reverse, or modify the findings of the review board, or may direct the taking of further testimony, and shall forward his determinations and recommendations to the Secretary.

§ 73.14 Suspension and revocation: publication.

Notice of suspension or revocation of license, with statement of cause therefor, may be published by the Secretary.

§ 73.15 Licenses; reissuance.

(a) *Compliance with standards.* An establishment or product license, previously suspended or revoked, whether upon application, or for failure to comply with standards or changes in standards prescribed in the regulations in this part, may be reissued or reinstated upon a showing of compliance with required standards and upon such inspection and examination as may be considered necessary by the Director of the Division of Biologics Standards.

(b) *Exclusion of noncomplying location.* An establishment or product license, excluding a location or locations that fail to comply with prescribed standards, may be issued without further application and concurrently with the suspension or revocation of the license for noncompliance at the excluded location or locations.

§ 73.16 Products in short supply; initial processing at other than licensed establishment.

Licenses issued to a manufacturer for an establishment shall authorize persons other than such manufacturer to conduct at places other than such establishment the initial, and partial processing of a product for shipment solely to such manufacturer only to the extent that the names of such persons and places are registered with the Surgeon General and he finds, upon application of such manufacturer, that (a) the product is in short supply due either to the peculiar growth requirements of the organism involved or to the scarcity of the animal required for manufacturing purposes, and (b) such manufacturer has established with respect to such persons and places such procedures, inspections, tests or other arrangements as will assure full compliance with the applicable regulations of this part related to continued safety, purity and potency. Such persons and places shall be subject to all regulations of this part except §§ 73.2 to 73.15, 73.20 to 73.24, and 73.50 to 73.55. Failure of such manufacturer to maintain such procedures, inspections, tests or other arrangements, or failure of any person conducting such processing to comply with applicable regulations shall constitute a ground for summary suspension or revocation of the authority conferred pursuant to this section on the same basis as provided in §§ 73.11, 73.13 and 73.14 with respect to the summary suspension and the revocation of licenses.

FOREIGN ESTABLISHMENTS AND PRODUCTS

§ 73.20 Licenses required; products for controlled investigation only.

Any biological or trivalent organic arsenical manufactured in any foreign country and intended for sale, barter or exhange shall be refused entry by collectors of customs unless manufactured in an establishment holding an unsuspended and unrevoked establishment license and license for the product. Unlicensed products which are not imported for sale, barter or exchange and which are intended solely for purposes of controlled investigation are admissible only if in accord with section 505 of the Federal Food, Drug, and Cosmetic Act, as amended, and the regulations thereunder.

§ 73.21 Procedure.

Except as otherwise provided in this part, licenses for foreign establishments and products shall be issued, suspended or revoked in the same manner as licenses for domestic establishments and products. Each foreign establishment holding a license and consigning any licensed biological product or trivalent organic arsenical into any State or possession shall be required to file with the Surgeon General the name and address of any representative or representatives authorized by the establishment to distribute the product and such representative or representatives shall keep such records of such distribution as are required of domestic licensed establishments, and failure to maintain such records shall constitute ground for revocation of license.

§ 73.22 Form of license.

Licenses for establishments located in foreign countries shall be in form similar to that for domestic establishments except that they shall authorize manufacture for sending, carrying, or bringing for sale, barter or exchange from the foreign country designated in the license into any State or possession of the United States and shall specify that it is issued upon the condition that the licensee will permit the inspection during all reasonable hours of the establishment by any officer, agent, or employee of the Department of Health, Education, and Welfare authorized by the Secretary of the Department of Health, Education, and Welfare for such purpose.

§ 73.23 Smallpox vaccine; importation prohibited.

The importation of smallpox vaccine into any State or possession from any foreign country is prohibited except that smallpox vaccine may be sent from any foreign country, on containers indicating plainly the limited purpose intended, to the Director, Division of Biologics Standards, for test or research purposes or for vaccine manufacture.

§ 73.24 Samples to accompany each importation.

Each foreign importation of a biological product or trivalent organic arsenical from a licensed establishment, whether or not intended for investigational use only, shall be accompanied by at least two final containers of each lot of any biological product and by at least 15 final containers of each lot of any trivalent organic arsenical contained in the shipment. Such samples shall be forwarded by the Collector of Customs at the port of entry to the Director, Division of Biologics Standards, for examination. If separate samples are not found accompanying the shipment, samples shall be obtained from the shipment by the Collector of Customs and forwarded to the Director, Division of Biologics Standards.

(Sec. 801, 52 Stat. 1058, as amended; 21 U.S.C. 381)

ESTABLISHMENT INSPECTION

§ 73.30 Inspectors.

Inspections shall be made by an officer of the Public Health Service having special knowledge of the methods used in the manufacture and control of products and designated for such purpose by the Surgeon General or by any officer, agent, or employee of the Department of Health, Education, and Welfare specifically designated for such purpose by the Secretary.

§ 73.31 Time of inspection.

The inspection of an establishment for which a license is pending need not be made until the establishment is in operation and is manufacturing the complete product for which a product license is desired. In case the license is denied following inspection for the original license, no reinspection need be made until assurance has been received that the faulty conditions which were the basis of the denial have been corrected. An inspection of each licensed establishment shall be made at least once each year. Inspections may be made with or without notice, and shall be made during regular business hours unless otherwise directed.

§ 73.32 Duties of inspector.

The inspector shall:

(a) Call upon the active head of the establishment, stating the object of his visit,

(b) Interrogate the proprietor or other personnel of the establishment as he may deem necessary,

(c) Examine the details of location, construction, equipment and maintenance, including stables, barns, warehouses, manufacturing laboratories, bleeding clinics maintained for the collection of human blood, shipping rooms, record rooms, and any other structure or appliance used in any part of the manufacture of a product,

(d) Investigate as fully as he deems necessary the methods of propagation, processing, testing, storing, dispensing, recording, or other details of manufacture and distribution of each licensed product, or product for which a license has been requested, including observation of these processes in actual operation,

(e) Obtain and cause to be sent to the Director, Division of Biologics Standards, adequate samples for the examination of any product or ingredient used in its manufacture,

(f) Bring to the attention of the manufacturer any fault observed in the course of inspection in location, construction, manufacturing methods, or administration of a licensed establishment which might lead to impairment of a product,

(g) Inspect and copy, as circumstances may require, any records required to be kept pursuant to § 73.36,

(h) Certify as to the condition of the establishment and of the manufacturing methods followed and makes recommendations as to action deemed appropriate with respect to any application for license or any license previously issued.

ESTABLISHMENT STANDARDS

§ 73.35 Responsible head.

A responsible person shall be in permanent and full control of the establishment in all matters relating to the manufacture of products. A responsible person is one who has been trained in the manufacturing techniques employed and the fundamental scientific facts upon which the manufacture of products rests, who is capable of enforcing discipline among the employees under his supervision, and to whom sufficient authority has been delegated for such purpose.

§ 73.36 Records, samples, cultures.

(a) *Manufacturing and distribution records.* Records shall be made, concurrently with the performance, of the various steps in the manufacture, disposition, and distribution of each lot, so that at any time these steps as regards any lot number may be traced by an inspector. The records shall be retained, for such interval beyond the expiration date as is considered necessary for the individual product to permit the return of any clinical report of unfavorable reactions. This interval will vary with the type of product and its geographic distribution. A minimum of 6 months after the expiration date with 5 years as the extreme interval under all circumstances is considered adequate. Records of distribution of each lot shall in any event be kept as long as the lot remains the property of the licensed manufacturer.

(b) *Records of recall.* Complete records shall be maintained pertaining to the recall from distribution of any product upon notification from the Director, Division of Biologics Standards, of failure to conform with the standards prescribed in the regulations in this part, deterioration of the product or any other factor by reason of which the distribution of the product would constitute a danger to health.

(c) *Sterilization records.* Records including the date, duration, and temperature of each sterilization shall be made by means of automatic registering devices or under a system of recording which gives reasonable assurance of the accuracy and reliability of the record.

(d) *Animal necropsy records.* A necropsy record shall be kept on each animal from which a product has been obtained and which dies or is killed because of disease while employed in the manufacture of a product.

(e) *Retention of reference samples.* Reference samples from each lot shall be retained by the manufacturer until the entire lot has become outdated and for 6 months thereafter. Exceptions may be authorized by the Director, Division of Biologics Standards, when the lot yields relatively few final containers and when such lots are manufactured by the same method in large numbers and in close succession.

(f) *Cultures.* Cultures and other materials while used in the manufacture of licensed products shall be labeled and preserved in a safe and orderly manner.

(g) *Records in case of divided manufacturing responsibility.* If two or more establishments participate in the manufacture of a product, the records of both establishments must show plainly the degree of responsibility of each in the manufacturing process.

§ 73.37 Physical establishment; construction, equipment and care.

(a) *Work with spore-bearing organisms.* All work with spore-bearing microorganisms shall be carried out in (1) an entirely separate building with its own entrance, or (2) a portion of a building used for the manufacture of other products constructed in such a manner as to be completely walled-off so that admission to the special unit may be gained only through an entrance independent of the remainder of the building. All containers used shall be permanently marked so as to avoid the possibility of contamination of products.

(b) *Work of a diagnostic nature.* Laboratory procedures of a clinical diagnostic nature involving possibly contaminated materials shall be in space set apart from that used for the manufacture of licensed products, except that manufacturing space which is used only occasionally may be used for diagnostic work provided spore-bearing pathogenic micro-organisms are not involved and provided the space is thoroughly cleaned before manufacturing is resumed.

(c) *Laboratory and bleeding rooms.* Laboratory rooms for the manufacture of licensed products, including the bleeding rooms and other places where cleanliness is essential, shall be efficiently screened and kept free of flies and other insects or vermin. Building construction shall be such as to insure freedom from dust, smoke and deleterious or obnoxious odors in the laboratory and bleeding rooms and such as to permit thorough cleaning and, when necessary,

chemical disinfection of bleeding rooms and rooms for smallpox vaccine animals.

(d) *Stables.* Stables shall be well lighted and well ventilated, and the floors shall be so constructed and cared for as to insure cleanliness.

(e) *Sterilization.* Sterilization equipment and methods used shall be such as to insure the complete destruction of contaminating, living organisms, including living spores. The containers, filling apparatus, and other pieces of apparatus or materials which may come in contact with biological products during manufacture shall be scrupulously clean. Such equipment shall be absolutely sterile unless the product is protected by subsequent sterilizing treatment.

(f) *Containers used in manufacturing.* All containers used in the manufacture of biological products shall be of such construction as will readily permit inspection for cleanliness.

(g) *Hot water available.* Hot water shall be provided in bleeding rooms and stables for smallpox vaccine animals.

(h) *Disposal of manure.* No manure shall be stored as to permit the breeding of flies on the premises nor shall the establishment be located in close proximity to off-property manure storage capable of engendering fly breeding.

(i) *Isolation of hog cholera manufacturing.* All personnel, animals and equipment used in the manufacture of hog cholera serum shall be kept entirely separate from personnel, animals, and materials used in the manufacture of biological products for human use.

§ 73.38 Animals used in manufacturing.

(a) *Quarantine and care.* Animals used in the manufacture of biological products shall be kept under competent daily inspection and preliminary quarantine for a period of at least 7 days before use. Only healthy animals free from communicable disease shall be used for manufacturing purposes and at all times shall be adequately housed, fed, and humanely treated. Particular care shall be taken during the quarantine period to eliminate those animals of the equine genus which may be infected with glanders, and those of the bovine genus which may be infected with tuberculosis.

(b) *Immunization against tetanus.* All horses used in the manufacture of biological products, except those which are under active immunization for the manufacture of tetanus antitoxin, shall receive injections of tetanus toxoid in such amounts and at such intervals as experience has shown adequate to insure immunity to tetanus.

(c) *Disposal of used animals.* No animal used for the manufacturing of products shall be removed from the premises while it is capable of transmitting disease. An animal which is unsuitable because of its physical condition for the manufacturing of a product shall not be removed from the premises alive except for the purpose of being utilized for animal by-products. No animal shall be allowed to continue to live unnecessarily when to do so would be an inhumane act.

(d) *Reporting of certain diseases required.* In case of actual or suspected infection with foot and mouth disease, glanders, tetanus, anthrax, gas gangrene, equine infectious anemia, or equine encephalomyelitis among animals intended for use or used for the manufacture of biological products, the manufacturer shall immediately notify the Director, Division of Biologics Standards.

(e) *Smallpox vaccine production animals.* Animals used in the manufacture of smallpox vaccine shall be thoroughly cleaned with soap and water at the beginning of the quarantine and at its conclusion. No area of the animal shall be vaccinated which is liable to be contaminated by feces.

(f) *Treatment of vaccinated animals.* Preliminary to taking smallpox vaccine material from vaccinated animals, such animals shall be killed or rendered insensible to pain.

(g) *Restriction on attendants.* Personnel while caring for smallpox vaccine animals shall be excluded from horse stables and paddocks and from contact with horses.

STANDARDS FOR PRODUCTS: LABELS

§ 73.50 Container labels.

(a) The following items shall appear on the label affixed to each container of a product capable of bearing a full label:

(1) The proper name of the product;

(2) Name, address, and license number of manufacturer;

(3) Lot number;

(4) The expiration date.

(b) If the final container is capable of bearing only a partial label, the final container shall show as a minimum the name (expressed either as the proper or common name), the lot number, and the name of the manufacturer and, if the final container is incapable of bearing any label, the items shall appear only on the outside label.

(c) If the final container is a multiple dose container, the container label must indicate the recommended dose. When the label has been affixed to the container a sufficient area of the container must remain uncovered for its full length or circumference to permit inspection of the contents.

§ 73.51 Proper name on outside label.

The proper name in the form designated in the product license for such purpose must appear upon the outside label in legible type and shall be given precedence in position and prominence over any trade-mark or trade name used:

(a) The "outside label" is the label of the carton enclosing one or more final containers, except that if no such carton is used the label of the individual final container is regarded as the outside label.

(b) "Legible type" includes only type of a size and character which can be read with ease when held in a good light and with normal vision.

(c) "Precedence in position" of the proper name will have been observed if it is placed above any trade-mark or trade name and provided it is symmetrically arranged with respect to other printing on the label.

(d) "Precedence in prominence" of the proper name will have been observed if the style of type is of the same or greater point size and of equal face, or heavier, than that used in printing the trade-mark or trade name, and if the contrast in color value between the proper name and the background is not less than that between the trade-mark or trade name and the background.

§ 73.52 Outside label; additional items.

The label affixed to the outside carton shall include, in addition to the proper name and the items required on the label of the final container, the following:

(a) The preservative used and its concentration,

(b) The volume of the contents, if a liquid, or the weight, if a solid, and the potency or dosage if more than one strength is dispensed,

(c) The recommended storage temperature,

(d) The words "Shake Well," or equivalent, when indicated by the character of the product,

(e) The dose and route of administration recommended or reference to such directions in an enclosed circular,

(f) The source of the product when a factor in safe administration,

(g) Minimum potency of product expressed in terms of official standard of potency or, if potency is a factor and no standard of potency has been prescribed, the words "No U.S. standard of potency."

§ 73.53 Divided manufacturing responsibility to be shown.

If two or more establishments participate in the manufacturing process, the name, address, and license number of each must appear on the label of the final container, if capable of bearing a full label, and on the outside label.

§ 73.54 Name of selling agent or distributor.

The name and address of the selling agent or distributor of a product may appear on the label under the designation of "selling agent" or "distributor" provided that the name and address of the manufacturer is given precedence in prominence.

§ 73.55 Products for export.

Labels on packages or containers of products for export may be adapted to meet specific requirements of the regulations of the country to which the product is to be exported provided that in all such cases the minimum label requirements prescribed in § 73.50 are observed.

STANDARDS FOR PRODUCTS: GENERAL

§ 73.70 Tests prior to release required for each lot.

No lot of any licensed product shall be released by the manufacturer prior to the completion of tests for conformity with standards applicable to such product. Each applicable test shall be made on each lot after completion of all processes of manufacture which may affect compliance with the standard to which the test applies.

§ 73.71 Potency.

Tests for potency shall consist of either in vitro or in vivo tests, or both, which have been specifically designed for each product so as to indicate its potency in

a manner adequate to satisfy the interpretation of potency given by the definition in § 73.1(s).

§ 73.72 Identity and safety.

(a) The contents of a final container of each filling of each lot shall be tested for identity and for safety either after the labels have been affixed to the final container or affixed, both outside and inside, to the multiple container storage receptacle just prior to its sealing for storage purposes, except that exceptions to this procedure may be authorized by the Director, Division of Biologics Standards, to apply when the volume of the final container is very large and when more than one lot is processed each day.

(b) The identity test shall be specific for each product in a manner which will adequately identify it and distinguish it from any other product being processed in the same laboratory. In general, identity may be established either through the physical or chemical characteristics of the product, inspection by macroscopic or microscopic methods, specific cultural tests, or in vitro or in vivo immunological tests.

(c) In general, the safety test shall consist of the parenteral injection of the maximum volume tolerated, but not more than 0.5 ml. into mice weighing approximately 20 grams each and 5.0 ml. into guinea pigs weighing approximately 350 grams each. When the injections are made into at least two animals of each species, there shall result neither significant symptoms nor death during an observation period of not less than 7 days. Variations from this test, either in the volume injected or in the species of test animal used shall be made whenever required because of the human dose level demanded of the product or because of any individual demands of the product itself.

§ 73.73 Sterility.

Except as provided in paragraph (f), the sterility of each lot of each product shall be demonstrated by the performance of the tests prescribed in paragraphs (a) and (b) of this section for both bulk and final container material. Bulk material shall be tested separately from final container material and material from each final container shall be tested in individual test vessels.

(a) *The test*—(1) *Using Fluid Thioglycollate Medium.* The volume of product, as required by paragraph (d) of this section (hereinafter referred to also as the "inoculum"), from samples of both bulk and final container material, shall be inoculated into test vessels of Fluid Thioglycollate Medium. The inoculum and medium shall be mixed thoroughly and incubated at a temperature of 30° to 32° C. for a test period of no less than seven days and examined visually for evidence of growth on the third, fourth or fifth day and on the seventh or eighth day. If incubation is continued beyond eight days, an additional examination shall be made on the last day of the test period. If the inoculum renders the medium turbid so that the absence of growth cannot be determined reliably by visual examination, portions of this turbid medium in amounts of no less than 1.0 ml. shall be transferred on the third, fourth or fifth day of incubation, from each of the test vessels and inoculated into additional vessels of medium. The material in the additional vessels shall be incubated at a temperature of 30° to 32° C. for no less than seven days. Notwithstanding such transfer of material, examination of the original vessels shall be continued as prescribed above. The additional test vessels shall be examined visually for evidence of growth on the third, fourth or fifth day of incubation and on the seventh or eighth day and if incubation is continued beyond a period of eight days, an additional examination shall be made on the last day of the incubation period. If growth appears, repeat tests may be performed as prescribed in paragraph (b) of this section and interpreted as specified in paragraph (c) of this section.

(2) *Using Fluid Sabouraud Medium.* Except for dried products, a test for fungi and yeast shall be made on final container material, following the procedures prescribed in subparagraph (1) of this paragraph except that (i) the medium shall be Fluid Sabouraud Medium; (ii) the incubation shall be at a temperature of 20° to 25° C.; (iii) the period of incubation shall be no less than 10 days and an examination shall be made on the tenth or eleventh day in lieu of an examination on the seventh or eighth day.

(b) *Repeat tests*—(1) *Repeat bulk test.* If growth appears in the test of the bulk material, the test may be repeated to rule out faulty test procedures by testing at least the same volume of material.

(2) *First repeat final container test.* If growth appears in any test (thioglycollate or Sabouraud) of final container material, that test may be repeated to rule out faulty test procedures by testing material from a sample of at least the same number of final containers.

(3) *Second repeat final container test.* If growth appears in any first repeat final container test (thioglycollate or Sabouraud), that test may be repeated provided there was no evidence of growth in any test of the bulk material and material from a sample of twice the number of final containers used in the first test is tested by the same method used in the first test.

(c) *Interpretation of test results.* The results of all tests performed on a lot shall be considered in determining whether or not the lot meets the requirements for sterility, except that tests may be excluded when demonstrated by adequate controls to be invalid. The lot meets the test requirements if no growth appears in the tests prescribed in paragraph (a) of this section. If repeat tests are performed, the lot meets the test requirements if no growth appears in the tests prescribed in paragraph (b) of this section.

(d) *Test samples and volumes*—(1) *Bulk.* Each sample for the bulk sterility test shall be representative of the bulk container material and the volume tested shall be no less than 10 ml. (Note exception in paragraph (f)(9) of this section.)

(2) *Final containers.* The sample for the final container and first repeat final container tests shall be no less than 20 final containers from each filling of each lot, selected to represent all stages of filling from the bulk container. If the amount of material in the final container is 1.0 ml. or less, the entire contents shall be tested. If the amount of material in the final container is more than 1.0 ml., the volume tested shall be the largest single dose recommended by the manufacturer or 1.0 ml., whichever is larger, but no more than 10 ml. of material or the entire contents from a single final container need be tested. (Note exceptions in paragraph (f) (6), (7), (8) and (9) of this section.)

(e) *Culture medium*—(1) *Formulae.* (i) The formula for Fluid Thioglycollate Medium is as follows:

Fluid Thioglycollate Medium

1-cystine	0.5 gm.
Sodium chloride	2.5 gm.
Dextrose ($C_6H_{12}O_6 \cdot H_2O$)	5.5 gm.
Granular agar (less than 15% moisture by weight).	0.75 gm.
Yeast extract (water-soluble)	5.0 gm.
Pancreatic digest of casein	15.0 gm.
Purified water	1,000.0 ml.
Sodium thioglycollate (or thioglycollic acid—0.3 ml.).	0.5 gm.
Resazurin (0.10% solution, freshly prepared).	1.0 ml.

Final pH 7.1±0.1.

(ii) The formula for Fluid Sabouraud Medium is as follows:

Fluid Sabouraud Medium

Dextrose	20 gm.
Pancreatic digest of casein	5 gm.
Peptic digest of animal tissue	5 gm.
Purified water	1,000 ml.

Final pH 5.7±0.1.

(2) *Culture medium requirements*—(i) *Quality and condition of medium and design of container.* The growth promoting qualities and conditions of the culture medium, and the design of the test container, shall be such as are shown to provide conditions favorable to aerobic and anaerobic growth of microorganisms throughout the test period.

(ii) *Ratio of inoculum to culture medium.* The ratio of the volume of the inoculum to the volume of culture medium shall be such as will dilute the preservative in the inoculum to a level that does not inhibit growth of contaminating microorganisms. Inhibitors or neutralizers of preservative may be considered in determining the proper ratio.

(f) *Exceptions.* Bulk and final container material shall be tested for sterility as described above in this section except as follows:

(1) *Different sterility tests prescribed.* When different sterility tests are prescribed for a product in this part.

(2) *Alternate incubation temperatures.* Two tests may be performed, in all respects as prescribed in paragraph (a)(1) of this section, one test using an incubation temperature of 18° to 22° C., the other test using an incubation temperature of 35° to 37° C., in lieu of performing one test using an incubation temperature of 30° to 32° C.

(3) *Different tests equal or superior.* A different test may be performed provided that prior to the performance of such test a manufacturer submits data which the Surgeon General finds ade-

quate to establish that the different test is equal or superior to the tests described in paragraphs (a) and (b) of this section in detecting contamination and makes the finding a matter of official record.

(4) *Test precluded or not required.* The tests prescribed in this section need not be performed for Whole Blood (Human), Packed Red Blood Cells (Human), Single Donor Plasma (Human), Smallpox Vaccine and other similar products concerning which the Surgeon General finds that the mode of administration, the method of preparation or the special nature of the product precludes or does not require a sterility test.

(5) *Viscous biological products.* Thioglycollate Broth Medium may be used in lieu of Fluid Thioglycollate Medium to test viscous biological products. The formula for Thioglycollate Broth Medium is as follows:

Thioglycollate Broth Medium. Certain biological products are turbid or otherwise do not lend themselves readily to culturing in Fluid Thioglycollate Medium because of its viscosity. In such instances, the following broth is acceptable in place of the Fluid Thioglycollate Medium, provided it is used in Smith fermentation tubes which have been heated within four hours in a boiling water bath or in free-flowing steam so as to drive the dissolved oxygen out of the medium in the closed arm:

l-cystine	0.5 gm.
Sodium chloride	2.5 gm.
Dextrose ($C_6H_{12}O_6 \cdot H_2O$)	5.5 gm.
Yeast extract (water-soluble)	5.0 gm.
Pancreatic digest of casein	15.0 gm.
Purified water	1,000.0 ml.
Sodium thioglycollate (or thioglycollic acid—0.3 ml.).	0.5 gm.

Final pH 7.1±0.1.

(6) *Number of final containers more than 20, less than 200.* If the number of final containers in the filling is more than 20 or less than 200, the sample shall be no less than 10 percent of the containers.

(7) *Number of final containers—20 or less.* If the number of final containers in a filling is 20 or less, the sample shall be two final containers, or the sample need be no more than one final container, provided (i) the bulk material met the sterility test requirements and (ii) after filling, it is demonstrated by testing a simulated sample that all surfaces to which the product was exposed were free of contaminating microorganisms. The simulated sample shall be prepared by rinsing the filling equipment with sterile 1.0 percent peptone solution, pH 7.1±0.1, which shall be discharged into a final container by the same method used for filling the final containers with the product.

(8) *Samples—large volume of product in final containers.* For Normal Serum Albumin (Human), Normal Human Plasma, Antihemophilic Plasma (Human) and Plasma Protein Solution (Human), when the volume of product in the final container is 50 ml. or more, the final containers selected as the test sample may contain less than the full volume of product in the final containers of the filling from which the sample is taken: *Provided,* That the containers and closures of the sample are identical with those used for the filling to which the test applies and the sample represents all stages of that filling.

(9) *Diagnostic products not intended for injection.* For diagnostic products not intended for injection, (i) only the Thioglycollate Medium test is required, (ii) the volume of material for the bulk test shall be no less than 2.0 ml., and (iii) the sample for the final container test shall be no less than three final containers if the total number filled is 100 or less, and, if greater, one additional container for each additional 50 containers or fraction thereof, but the sample need be no more than 10 containers.

§ 73.74 Purity.

The purity of a product, as defined in § 73.1(r), includes the relative freedom from residual moisture and pyrogenic substances whenever these are factors of significance in the safe use of the product. The relative freedom from residual moisture shall be determined by a procedure which will accurately measure the amount of uncombined water or other volatile liquid present in the finished product. The relative freedom from pyrogenic substances shall be determined by the intravenous injection into normal rabbits of not less than 3.0 ml. per kilo of body weight, following which the thermal response shall not exceed 1.1° C. More rigid requirements for the pyrogen test shall be observed when the character of the product and the manner of its prophylactic or therapeutic use make this necessary to meet requirements of safety as defined in § 73.1(p).

§ 73.75 Requests for samples and protocols.

Samples of any lot of any licensed product, together with the protocols showing the results of applicable tests, may at any time be required to be sent to the Director, Division of Biologics Standards.

§ 73.76 Ingredients, preservatives, diluents.

All ingredients used in a licensed product, and any diluent provided as an aid in the administration of the product shall meet generally accepted standards of purity and quality. Any preservative used shall be sufficiently non-toxic so that the amount present in the recommended dose of the product will not be toxic to the recipient, and in the combination used shall not denature the specific substances in the product below the minimum acceptable potency within the dating period when stored at the recommended temperature.

§ 73.77 Total solids in serums.

Except as otherwise provided by regulation, no liquid serum or antitoxin shall contain more than 20 percent total solids.

§ 73.78 Permissible combinations.

Licensed products may not be combined with other licensed products, either therapeutic, prophylactic or diagnostic, except as a license is obtained for the combined product. Licensed products may not be combined with nonlicensable therapeutic, prophylactic, or diagnostic substances except as a license is obtained for such combination.

§ 73.79 Container and closure.

Glass used in the container of a licensed product intended for administration by injection shall be colorless and fully transparent. The quality of the glass and of the closure used shall be such as will not hasten the deterioration of the licensed product or render it less suitable for the use intended within the dating period.

§ 73.80 Standard units or samples.

Standard units or samples for comparison made available by the Institutes shall be applied in testing for potency all forms of diphtheria antitoxin, tetanus antitoxin, botulism antitoxin Type A, botulism antitoxin Type B, perfringens antitoxin, scarlet fever streptococcus antitoxin, virbrion septique antitoxin, antipneumococcic serum (Types I, II, V, VII, and VIII), dysentery antitoxin (Shiga), staphylococcus antitoxin, histolyticus antitoxin, oedematiens antitoxin, and sordelli antitoxin and other products for which such units are available.

§ 73.81 Standards of potency; particular products.

Diphtheria antitoxin shall have a potency of not less than 500 units per milliliter. Tetanus antitoxin shall have a potency of not less than 400 units per milliliter. Scarlet fever streptococcus antitoxin shall have a potency of not less than 400 units per milliliter. Antitoxins dispensed in the dried state shall represent liquid antitoxins of not less than these potencies.

§ 73.82 Dating period; date of manufacture.

The dating period shall be determined with reference to the date of manufacture which shall be:

(a) For products for which an official standard of potency exists or which are subject to official potency tests, the last date of satisfactorily passing a potency test;

(b) For products for which no official standard of potency exists or which are not subject to official potency tests,

(1) The date of removal from the animal in case of animal products;

(2) The date of extraction in the case of products used for specific desensitization;

(3) The date of solution in case of venoms,

(4) The date of cessation of growth in case of other products, and

(5) For products which are submitted to the Director, Division of Biologics Standards, for approval prior to release, the date of official release notice.

§ 73.83 Dating period; products in cold storage.

The dating period may be determined with reference to the period of issue from cold storage: *Provided,* That, except as may be otherwise prescribed for individual products, the date of such issue is not more than six months after the date of manufacture and the product is kept constantly at a temperature

not exceeding 10° C., or not more than 1 year after the date of manufacture if the product is kept constantly at a temperature not exceeding 5° C., or not more than 2 years if the product is kept constantly at a temperature not exceeding 0° C.

ADDITIONAL STANDARDS: TRIVALENT ORGANIC ARSENICALS

§ 73.90 Tests prior to release.

Tests required to be made, prior to the release of each lot of a licensed product, shall be supplemented in the case of the trivalent organic arsenicals by tests for:

(a) Stability,
(b) Solubility,
(c) Arsenic content,
(d) Moisture,
(e) Relative non-toxicity.

§ 73.91 Pre-testing by Institute; sample of each lot.

Prior to the release of any lot of the product, the manufacturer shall forward to the Director, Division of Biologics Standards, no less than 15 ampoules of the largest single-dose size in such lot, together with protocols showing the results of each test required prior to release.

§ 73.92 Expiration date.

Notification from the Director, Division of Biologics Standards, that lot samples forwarded in accordance with § 73.91 have satisfactorily passed prescribed tests shall indicate a date which may be taken as the date of manufacture for the purpose of fixing the expiration date. The date of issue shall be the same as the date of manufacture.

§ 73.93 Composition of product.

Solutions or solutions of mixtures in the concentrations recommended for clinical administration shall be of such hydrogen ion value and tonicity as to be physiologically-compatible with human blood.

§ 73.94 Container.

The product shall be hermetically sealed under vacuum or under a dry non-oxidizing gas in ampoules prepared from glass of the quality prescribed in § 73.79. The contents of any final container shall not exceed 10 maximum human doses.

§ 73.95 Final container label.

In addition to the labeling requirements stated in § 73.50 the final container label of the trivalent organic arsenicals shall bear the statements required in § 73.96 (b) and (c) and an additional statement giving the amount of the drug contained in the ampoule.

§ 73.96 Outside label.

The outside label, in addition to the complete proper name and all other items required for products generally shall show conspicuously: (a) If the product is dispensed as a mixture or solution, the name of all admixed substances,

(b) If the ampoule is a multiple dose container, the fact that it is a multiple dose container,

(c) Specific method of preparation, if any, required prior to administration, as, for example, alkalinization.

ADDITIONAL STANDARDS: POLIOMYELITIS VACCINE

§ 73.100 The product.

(a) *Proper name and definition.* For the purpose of section 351(a)(2) of the Act and § 73.1(k), the proper name of this product shall be "Poliomyelitis Vaccine", which shall consist of an aqueous preparation of poliomyelitis viruses types 1, 2, and 3, grown in monkey kidney tissue cultures, inactivated by a suitable method.

(b) *Strains of virus.* Strains of poliomyelitis virus used in the manufacture of vaccine shall be identified by historical records, infectivity tests and immunological methods. Any strain of virus may be used that produces a vaccine meeting the safety and potency requirements of §§ 73.101, 73.102, and 73.103, but the Surgeon General may from time to time prohibit the use of any specific strain whenever he finds that it is practicable to use another strain of the same type that is potentially less pathogenic to man and that will produce a vaccine of equivalent safety and potency.

(c) *Monkeys.* Only cynomolgus or rhesus monkeys, or other species of equal suitability, in overt good health that have reacted negatively to tuberculin within two weeks prior to use, shall be used as the source of kidney tissue for the production of virus. Each animal shall be examined at necropsy under the supervision of a qualified pathologist for gross signs of disease and, if there is any gross pathological lesion of significance to their use in the manufacture of the vaccine, the kidneys shall be discarded. Kidney tissue from monkeys that have been used previously for experimental purposes shall not be used, except that monkeys in overt good health, used for the safety or potency tests with negative clinical findings (§§ 73.102 and 73.103) that have reacted negatively to tuberculin prior to such test, may be used within two weeks of the end of the test period.

§ 73.101 Manufacture of poliomyelitis vaccine.

(a) *Cultivation of virus.* Virus for manufacturing vaccine shall be grown with aseptic techniques in monkey kidney cell tissue cultures. Suitable antibiotics in the minimum concentration required may be used. If penicillin is used, not more than 200 units per milliliter may be added.

(b) *Filtration.* Within 72 hours preceding the beginning of inactivation, the virus suspensions shall be filtered or clarified by a method having an efficiency equivalent to that of filtration through an S1 Seitz type filter pad.

(c) *Virus titer.* The 50 percent endpoint ($TCID_{50}$) of the virus fluids after filtration shall be 10^{-6} or greater as confirmed by comparison in a simultaneous test (using groups of 10 tubes at 1 log steps or groups of 5 tubes at 0.5 log steps) with a reference virus distributed by the National Institutes of Health. Acceptable titrations of the reference virus shall not vary more than ±10-fold from its labeled titer using 0.5 milliliter inoculum in tissue culture.

(d) *Inactivation of virus.* The virus shall be inactivated, as evidenced by the tests prescribed in § 73.102, through the use of an agent or method which has been demonstrated to the satisfaction of the Surgeon General to be consistently effective in the hands of the manufacturer in inactivating a series of lots of poliomyelitis virus. If formaldehyde is used for inactivation, it shall be added to the virus suspension to a final concentration of U.S.P. solution of formaldehyde of 1:4000, and the inactivation conducted under controlled conditions of pH and time, at a temperature of 36° to 38° C. Three or more virus titers, suitably spaced to indicate rate of inactivation, shall be determined during the inactivation process. Filtration equivalent to that described in paragraph (b) of this section shall be performed after the estimated base-line time (time at which the 50 percent end-point reaches 10° C.), but prior to sampling for the first single strain tissue culture test required in § 73.102(b).

(e) *Additional processing.* Single strain or trivalent pools that have failed to pass safety tests prescribed in § 73.102 (b), (c), or (e) may be treated as follows:

(1) Filtration of clarification by a method having an efficiency equivalent to that of filtration through an S1 Seitz type filter pad.

(2) Negative tests performed as described in § 73.102 (b) and (c) must be obtained on each of two successive samples taken so as to be separated by an interval of at least three days while the material is being subjected to treatment with 1:4000 U.S.P. formaldehyde solution and heat at 36° to 38° C. The first sample may be taken before incubation is begun and the second sample is to be taken after the incubation of at least 3 days is completed. In the case of single strain pools, the volume tested for each tissue culture safety test shall be at least 500 milliliters and in the case of trivalent pools, at least 1,500 milliliters.

(3) Pools which are positive following such additional processing shall not be used for the manufacture of poliomyelitis vaccine.

(f) *Supplemental inactivation.* Supplemental inactivation employing a method capable of reducing the titer of a similarly produced virus suspension by a factor of 10^{-6} may be applied at any point after the filtration step described in paragraph (d) or (e)(1) of this section.

§ 73.102 Tests for safety.

In the manufacture of the product, the following tests relating to safety shall be conducted by the manufacturer.

(a) *The virus pool.* Prior to inactivation each virus pool shall be tested for the presence of B virus and Mycobacterium tuberculosis by suitable animal and culture methods.

(b) *Single strain pool tissue culture tests for poliomyelitis virus.* (1) During

inactivation, before pooling to make the final poliomyelitis vaccine, each monovalent bulk strain pool shall be tested for the presence of virus by tissue culture methods. Two samples separated by an interval of at least three days during inactivation at 36° to 38° C. shall be tested.

(2) No less than 500 milliliters of each sample shall be subjected to the complete testing process and each test shall be performed on a different monkey kidney tissue culture cell preparation. Each sample shall be inoculated into five or more tissue culture bottles of a suitable capacity, the ratio of the vaccine to the nutrient fluid being approximately 1:1 to 1:3, and the area of the surface growth of cells being at least 3 square centimeters per milliliter of vaccine. The tissue culture bottles shall be observed at least 14 days.

(3) A first subculture shall be made at the end of seven days from date of inoculation by planting at least 2 percent of the volume from each original bottle into suitable tissue culture containers, followed by refeeding.

(4) A second subculture shall be made from each original bottle in the same manner at the end of 14 days from date of inoculation.

(5) The first and second subcultures shall be each observed for at least seven days.

(6) If cytopathogenic effects occur either in the original bottles of the two tests or in the subcultures from them, or if cellular degeneration appears in the original bottles or in the subcultures before degeneration occurs in uninoculated cultures, the pool shall be held until the matter is resolved. If active poliomyelitis virus is indicated, the strain pool shall not be used for inclusion in a final vaccine unless effectively reprocessed as described in § 73.101(e). If other viruses are present, the pool shall not be used unless it can be demonstrated that such viruses have originated from other than the strain pool being tested.

(c) *Trivalent vaccine pool tissue culture test.* No less than 1,500 milliliters of the trivalent vaccine pool, without final preservative, prepared by pooling the three type pools, each of which has passed all tests described in paragraph (b) of this section, shall be subjected to the complete tissue culture test prescribed in such paragraph in at least two approximately equal tests in separate monkey kidney tissue culture preparations.

(d) *Trivalent vaccine pool lymphocytic choriomeningitis test.* The final vaccine shall be shown to be free of lymphocytic choriomeningitis virus by intracerebral inoculation into 10 or more mice which shall be observed daily for at least 21 days and a negative test shall not be valid unless at least 8 mice survive for this period.

(e) *Final vaccine test for active virus in monkeys.* (1) Vaccine from a sufficient number of final containers selected at random from each filling of each lot shall be pooled to provide a test sample of at least 100 milliliters representing the filling.

(2) Where the number of fillings in a lot is four or more, a test sample from each filling shall be inoculated into a group of five or more monkeys. Where the number of fillings in a lot is less than four, test samples from the several fillings shall be inoculated into a total of not less than twenty monkeys. A preinjection serum sample must contain no neutralizing antibody against the three poliomyelitis virus types in a dilution of 1:4 when tested against not more than 1,000 $TCID_{50}$ doses of virus. At least 80 percent of the test animals representing each filling must survive the test period without significant weight loss, except that if at least 60 percent of the test animals survive the first 48 hours after injection, those animals which do not survive this 48 hour period may be replaced by an equal number of test animals. If less than 60 percent of the test animals survive the first 48 hours, or if less than 80 percent of the animals representing each filling survive the test period without significant weight loss, the test must be repeated.

(3) Vaccine is injected by combined intracerebral, intraspinal, and intramuscular routes into rhesus or cynomolgus monkeys in overt good health, under deep barbiturate anethesia. The intracerebral injection consists of 0.5 milliliter into the thalamic region of each hemisphere. The intraspinal injection consists of 0.5 milliliter into the lumbar spinal cord enlargement. The intramuscular injection consists of 1.0 milliliter into the right leg muscles. At the same time, an injection of 200 milligrams of cortisone acetate is given into the left leg muscles, and 1.0 milliliter of procaine penicillin (300,000 units) into the right arm muscles. The monkeys are observed for 17 to 19 days and symptoms suggestive of poliomyelitis are recorded.

(4) At the end of the observation period, samples of nervous tissue are taken for virus recovery and identification. Histological sections are prepared from both spinal cord enlargements and examined.

(5) Doubtful histopathological findings necessitate (i) examination of a sample of sections from several regions of the brain in question, and (ii) attempts at virus recovery from the nervous tissues previously removed from the animal. The test is considered negative if the histological and other studies leave no doubt that poliomyelitis infection did not occur.

§ 73.103 Potency test.

Each lot of vaccine shall be subject to a potency test which permits an estimation of the antigenic capacity of the vaccine. This is done by means of a simultaneous comparison of the antibody levels produced in monkeys by the vaccine under test with the antibody levels of reference serums distributed by the National Institutes of Health. The potency test shall be performed on samples taken after final processing of the trivalent pool including addition of preservative, and shall be conducted as follows:

(a) *Inoculation of monkeys.* A group of 12 or more rhesus or cynomolgus monkeys shall be used. Animals shall weigh between 4 and 8 pounds and shall be in overt good health. Animals that become ill and then remain ill during the course of immunization shall be excluded from the group. The test shall not be valid unless at least 8 survive the test period. The test vaccine shall be given intramuscularly to each monkey in 3 doses of 1.0 milliliter each at seven day intervals. Only undiluted vaccine shall be used.

(b) *Serum samples.* A blood sample shall be taken from each monkey prior to vaccination and then again 7 days after the last injection. Serum shall be separated aseptically, and stored under refrigeration.

(c) *Serum-virus neutralization test.* The titers of individual monkey serums shall be determined in comparison with N.I.H. reference serums in tests designed to include controls for all the variables of significance including the following:

(1) Serum toxicity control;

(2) Cell control and cell titration;

(3) Virus titration control (at least 4 tubes/dilution at ½ log steps); and

(4) Serum controls using type-specific serums to identify the type of virus used in the neutralization test.

(d) *Interpretation of the test.* Animals showing preinoculation titers of ¼ or over when tested against not more than 1,000 $TCID_{50}$ of virus, shall be excluded from the test. The geometric mean titer of antibody induced in the monkeys surviving the course of immunization and bleeding, shall be calculated. A comparison of the value so obtained shall be made with the values for the reference serums that were tested simultaneously and expressed as ratios between the mean titer values of the serums under test and the mean titer value of the reference serums.

(e) *Potency requirements.* A lot of vaccine tested against National Institutes of Health reference serums IIA, IIA ¼, and IIA 1/10 shall be satisfactory if the geometric mean value of the group of individual monkey serums representing the lot of vaccine tested is at least 0.86 times the geometric mean value of the three reference serums for type 1, at least 0.75 times for type 2, and at least 0.48 times for type 3. In applying the foregoing requirements, a variation of 66⅔ percent is acceptable.

§ 73.104 General requirements.

(a) *Final container tests.* Tests shall be made on final containers for identity, safety, and sterility in accordance with §§ 73.72 and 73.73. In addition, the lot shall not be released unless the test for the presence of living poliomyelitis virus described in § 73.102(e) is negative.

(b) *Extraneous protein.* Extraneous protein, capable of producing allergenic effects on injection into human subjects, shall not be added to the final virus production medium. If animal serum is used at any stage, its calculated concentration in the final medium shall not exceed 1:1,000,000.

(c) *Dose.* These additional standards are based on a human dose of 1.0 milliliter for a single injection and a total human immunizing dose of three injections of 1.0 milliliter given at appropriate intervals.

(d) *Labeling.* In addition to compliance with the requirements of §§ 73.50

to 73.55, inclusive, the label or the package enclosure shall include an appropriate statement indicating the type and amounts of antibiotics added, if any. The preservative used shall be stated on the label, as well as allergenic substances added, if any, and the source, composition and method of inactivation of the viruses.

(e) *Dating.* The expiration date shall be no more than six months after either the date of manufacture as defined in § 73.82(a) or the date of issue from cold storage. Such date of issue shall not be more than six months after such date of manufacture, and the product prior to issue shall be kept constantly at a temperature not exceeding 10° C.

(f) *Requirements for samples and reports.* For each lot of vaccine, the following material shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda 14, Maryland:

(1) A 2,500 milliliter sample, neutralized, not dialyzed, and without final preservative, taken at the latest possible stage of manufacturing before the addition of such preservative.

(2) A 200 milliliter bulk sample of the final vaccine containing final preservative.

(3) A total of not less than 200 milliliter sample of the final vaccine in final labeled containers.

(4) Protocols showing the history of the lot and the results of the tests prescribed in these additional standards.

§ 73.105 Equivalent methods.

Modification of any particular manufacturing method or process or the conditions under which it is conducted as set forth in the additional standards relating to poliomyelitis vaccine (§§ 73.100 to 73.104, inclusive) shall be permitted whenever the manufacturer presents evidence to demonstrate that such modification will provide equal or greater assurances of the safety, purity and potency of the vaccine as the assurances provided by such standards, and the Surgeon General so finds and makes such finding a matter of official record.

(Sec. 215, 58 Stat. 690, as amended; 42 U.S.C. 216. Interprets or applies sec. 351, 58 Stat. 702; 42 U.S.C. 262)

ADDITIONAL STANDARDS: ADENOVIRUS VACCINE

§ 73.110 The product.

(a) *Proper name and definition.* For the purpose of section 351(a)(2) of the Act and § 73.1(k), the proper name of this product shall be "Adenovirus Vaccine" with a designation of the types of virus included in the vaccine. Such vaccine shall consist of an aqueous preparation of one or more adenoviruses grown in monkey kidney tissue cultures inactivated by a suitable method. Where more than one type of virus is used in the manufacture of the vaccine, equal proportions of each type shall be combined with a tolerance for each component of 5 percent of the total volume.

(b) *Strains of virus.* Strains of adenovirus used in the manufacture of the vaccine shall be identified by historical records, infectivity tests, and immunological methods. Only those strains of virus may be used that (1) produce a vaccine meeting the safety and potency requirements in §§ 73.112 and 73.113, (2) never had any passage in malignant cells of human or animal origin, and (3) have been maintained in monkey kidney cultures for at least 10 passages prior to use.

(c) *Monkey kidney tissue.* Only cynomolgus or rhesus monkeys or other species of equal suitability, in overt good health, that have reacted negatively to tuberculin within 2 weeks prior to use shall be used as a source of kidney tissue for the production of virus. Each animal shall be examined at necropsy under the supervision of a qualified pathologist for gross signs of disease. If there is any gross pathological lesion of any significance to their use in the manufacture of vaccine, the kidneys shall be discarded. Kidney tissue from monkeys that have been used previously for experimental purposes shall not be used, except that monkeys in overt good health, used for the safety or potency tests of adenovirus vaccines with negative clinical findings (§§ 73.112 and 73.113) that have reacted negatively to tuberculin prior to such test, may be used within two weeks of the end of the test period. The monkeys shall not at any time have been housed in the same building where monkeys actually infected with or exposed to poliovirus are housed, and due precautions shall be taken to prevent cross-infection from any infected or potentially infected monkeys on the premises.

§ 73.111 Manufacture of adenovirus vaccine.

(a) *Cultivation of virus.* Virus for manufacturing vaccine shall be grown with aseptic technique in monkey kidney cell cultures using a synthetic medium. Suitable antibiotics in the minimum concentration required may be used. If penicillin is used, not more than 200 units per milliliter may be added. Phenol red may not exceed a concentration of 0.002 percent.

(b) *Filtration.* Within 72 hours preceding the beginning of inactivation, the virus suspensions shall be filtered or clarified by a method having an efficiency at least equivalent to that of a Selas 02 type filter.

(c) *Virus titer.* The titer of each virus pool after filtration shall be determined by a suitable method. It shall also be demonstrated that each virus pool possesses adenovirus group antigen by the complement-fixing test.

(d) *Inactivation of virus.* The virus shall be inactivated, as evidenced by the test in tissue culture as set forth in § 73.112, through the use of an agent or method which has been demonstrated to be effective in the hands of the manufacturer in inactivating a series of at least 5 consecutive lots of adenovirus vaccine. If formaldehyde is used for inactivation, it shall be added to the virus suspension to a final concentration of U.S.P. formaldehyde solution of at least 1:4000. The inactivation shall be conducted under controlled conditions of pH and time at a temperature of 36° to 38° C. As an indication of inactivation, not less than two samples shall be removed during the inactivation process and treated as prescribed in § 73.112(b)(1). Regardless of the concentration of formaldehyde used, the total heating period shall be not less than 20 hours and at least three times the period required for the reduction of live virus to a point where no virus is detected in a 5 milliliter sample when tested in accordance with §73.112(b)(1). At the end of the heating period a sample shall be removed for the single strain tissue culture safety test.

§ 73.112 Tests for safety.

In the manufacture of the product, the following tests relating to safety shall be conducted by the manufacturer:

(a) *The virus pool.* (1) Prior to inactivation, each virus pool shall be tested for the presence of B virus and Mycobacterium tuberculosis by suitable animal and culture methods;

(2) Each single strain virus pool shall be shown to be free of lymphocytic choriomeningitis virus and other mouse pathogens by intracerebral injection into 10 or more mice which shall be observed daily for at least 21 days. All mice which die during the observation period shall be studied as to the possible cause of death. A negative test shall not be valid unless at least 8 mice survive the full observation period and unless the virus pool was found free of agents pathogenic for mice; and

(3) An identity test shall be done on each virus pool using monovalent adenovirus serums free from poliomyelitis antibodies. Such serums shall have been prepared from animals immunized with virus grown in other than the tissue used for the neutralization test. The identity tests shall be done (i) in monkey kidney and (ii) in HeLa or other equally susceptible cells. The tissue cultures shall be observed for 7 days. Those showing cytopathogenic effect in the presence of type specific serum shall be subcultured in monkey kidney cells or HeLa cells. The subcultures shall be maintained for 7 days and observed for cytopathogenic effect. Only virus pools free of unidentified cytopathogenic agents and free of all viruses pathogenic to man other than adenoviruses may be used for vaccine manufacture.

(b) *Single strain tissue culture test for adenovirus.* (1) The samples specified in § 73.111(d) shall be placed immediately after sampling in contact with sodium bisulfite or a similar formaldehyde neutralizing substance that will stop the inactivation process. Each sample shall be dialyzed or rendered non-toxic to tissue culture cells by an appropriate method which does not affect the detection of live virus. An amount of fluid representing at least 5 milliliters of the original virus pool shall be inoculated into monkey kidney or other equally susceptible tissue cultures. The tissue cultures shall be maintained for 7 to 12 days and examined at intervals. At the end of the above period, the cell sheet shall be removed from each culture vessel, broken up by an appropriate means, suspended in a portion of its culture fluid equal to at least 10 percent of the volume which was present during incubation, and inoculated into

corresponding fresh tissue culture preparations. Any fluids recovered prior to refeeding during original observation period shall be held at 2° to 5° C. A volume of each fluid representing at least 10 percent of the total volume shall be subcultured to fresh tissue culture. All subcultures shall be examined for at least 7 days. This test shall be considered negative only if no cellular degeneration occurs attributable to any virus.

(2) A sample of at least 500 milliliters of each single strain pool shall be fully subjected to the following testing procedure in tissue culture cells, with half the sample in monkey kidney cells and half in suitable human cells of demonstrated high susceptibility to adenovirus and poliovirus. The entire sample shall be dialyzed and rendered non-toxic for tissue culture cells. Each half of the sample shall be inoculated into 4 or more tissue culture bottles of suitable capacity so that direct observation of the culture cells is possible under conditions which assure the growth of adenovirus, poliovirus or simian viruses should infective particles of any one of these viruses be present in the vaccine. The monkey kidney cell cultures shall be performed as described in § 73.102(b) except that a third subculture shall be included after 21 days of incubation of the initial culture and that this subculture shall be made by suspending the cell sheet. The initial human cell cultures shall be observed for at least 12 days. A subculture shall be made on each fluid at each refeeding and on the suspension of each cell sheet in the culture fluid removed at the end of the observation period. The inoculum for the subcultures shall be a volume of at least 2 percent of that of the fluid being studied. The subculture shall be examined frequently and refed as required, and maintained for a period of at least 12 days. If a cytopathogenic effect occurs during the test, the vaccine pool shall be held until the matter is resolved. If active poliomyelitis virus or adenovirus is indicated, the strain pool shall not be used for inclusion in a final vaccine. If other viruses are present, the pool shall not be used unless it can be demonstrated that such viruses did not originate from the strain pool being tested.

(c) *Final vaccine pool tissue culture test.* No less than 1,500 milliliters of the final vaccine pool without final preservative, prepared by pooling the individual single strain preparations, shall be tested in accordance with § 73.102 (b) and (c).

(d) *Final vaccine test for active virus in monkeys.* Final bulk vaccine shall be tested in monkeys as prescribed in § 73.102(e) except that the test may be applied to vaccine before it is placed in final containers, and the sample may be dialyzed in order to remove sodium bisulfite or the sodium bisulfite formaldehyde complex before injection intraspinally and intracerebrally into monkeys. In no case, however, shall dialyzed vaccine be used for the intramuscular injection of the monkeys. The test is considered negative if the histological and other studies leave no doubt that virus infections attributable to the vaccine did not occur.

(e) *Exclusion of certain pools from final vaccine.* Pools which fail to pass the tissue culture safety tests prescribed in this section shall not be included in final vaccine, unless it can be clearly shown that the cytopathogenic agent occurred in the test system and not in the vaccine pool. No pool shall be subjected to reprocessing.

§ 73.113 Potency test.

Each lot of vaccine shall be subjected to a potency test which permits an estimation of the antigenic capacity of the vaccine in comparison with a reference vaccine distributed by the National Institutes of Health. This shall be done using at least 6 animals for each dilution of each vaccine tested and measuring the neutralizing antibody response of the animals receiving test vaccine and others receiving reference vaccine in simultaneous tests. The average antibody level for each type shall equal or exceed the corresponding value of the reference vaccine.

§ 73.114 General requirements.

(a) *Separate facilities.* The personnel, equipment and supplies used in the manufacture of adenovirus vaccine shall be separated from personnel, equipment or supplies used in connection with any other pathogenic virus to the extent necessary to prevent cross-contamination.

(b) *Final container tests.* Tests shall be made on final containers for identity, safety, and sterility, in accordance with §§ 73.72 and 73.73.

(c) *Release of vaccine.* A lot of vaccine shall not be released unless all required safety tests have given negative results.

(d) *Extraneous protein.* Extraneous protein capable of producing allergenic effects on human subjects shall not be added to the final virus production medium. If animal serum is used at any stage, its calculated concentration in the final medium shall not exceed 1:1,000,000.

(e) *Nitrogen content.* The final vaccine shall have a protein nitrogen content of less than 0.02 milligram per milliliter.

(f) *Dose.* These additional standards for adenovirus vaccine are based on a human dose not exceeding 1.0 milliliter for a single injection.

(g) *Labelling.* In addition to compliance with the requirements of §§ 73.50 to 73.55, inclusive, the label or package enclosure shall include an appropriate statement indicating the type and amount of each antibiotic added, if any. The preservative used shall be stated on the label, as well as allergenic substances added, if any, and the source, composition, and method of inactivation of the viruses.

(h) *Dating.* The expiration date shall be not more than 6 months after either the date of manufacture, as defined in § 73.82(a), or the date of issue from cold storage. Such date of issue shall be not more than 6 months after such date of manufacture, and the product prior to issue shall be kept constantly at a temperature not exceeding 10° C.

(i) *Requirements for samples and protocols.* For each lot of vaccine, the following material shall be submitted to the Director, Division of Biologics Standards, National Institutes of Health, Bethesda 14, Maryland:

(1) A 2,500-milliliter sample of the final vaccine taken at the latest possible stage of manufacture before the addition of preservative.

(2) A 200-milliliter bulk sample of the final vaccine containing all preservatives.

(3) A total of at least 200-milliliter sample of the final vaccine in final labelled containers.

(4) Protocol showing the history of the lot and the results of all of the tests which were carried out by the manufacturer.

§ 73.115 Equivalent methods.

The provisions of § 73.105, permitting modifications in methods if found equivalent in assuring safety, purity, and potency, shall be applicable to the additional standards relating to adenovirus vaccine (§§ 73.110 to 73.114, inclusive).

ADDITIONAL STANDARDS: WHOLE BLOOD (HUMAN)

§ 73.300 Proper name and definition.

For the purpose of section 351(a)(2) of the Act and § 73.1(k), the proper name of this product shall be Whole Blood (Human) preceded by a term or terms indicating the anticoagulant used. Whole Blood (Human) is defined as blood collected from human donors for transfusion to human recipients.

§ 73.301 Suitability of donor.

(a) *Method of determining.* The suitability of a donor as a source of Whole Blood (Human) shall be determined by a qualified physician or by persons under his supervision and trained in determining suitability. Such determination shall be made on the day of collection from the donor by means of a medical history, a test for hemoglobin level, and such physical examination as appears necessary.

(b) *Qualifications of donor; general.* Only those persons may serve as a source of Whole Blood (Human) who are in good health, as indicated in part by:

(1) Normal temperature;

(2) Demonstration that systolic and diastolic blood pressures are within normal limits, unless the examining physician is satisfied that an individual with blood pressures outside these limits is an otherwise qualified donor under the provisions of this section;

(3) A blood hemoglobin level which shall be demonstrated to be no less than 12.5 gm. of hemoglobin per 100 ml. of blood;

(4) Freedom from acute respiratory diseases;

(5) Freedom from any infectious skin disease at the site of phlebotomy and from any such disease generalized to such an extent as to create a risk of contamination of the blood; and

(6) Freedom from any disease transmissible by blood transfusion, insofar as can be determined by history and examinations indicated above.

(c) *Additional qualifications of donor; viral hepatitis.* No individual shall be used as a source of Whole Blood (Human) if he has—

(1) A history of viral hepatitis;

(2) A history of close contact within six months of donation with an individual having viral hepatitis;

(3) A history of having received within six months human blood, or any derivative of human blood which the National Institutes of Health has advised the licensed establishment is a possible source of viral hepatitis.

(d) *Therapeutic bleedings.* Blood withdrawn in order to promote the health of a donor otherwise qualified under the provisions of this section, shall not be used as a source of Whole Blood (Human) unless the container label conspicuously indicates the donor's disease that necessitated withdrawal of blood.

§ 73.302 Collection of the blood.

(a) *Supervision.* Blood shall be drawn from the donor by a qualified physician or under his supervision by assistants trained in the procedure.

(b) *The donor clinic.* The pertinent requirements of § 73.37 shall apply at both the licensed establishment and at any other place where the bleeding is performed.

(c) *Blood containers.* Blood containers and donor sets shall be pyrogen-free, sterile, and identified by lot number. The amount of anticoagulant required for the quantity of blood to be collected shall be in the blood container when it is sterilized.

(d) *The anticoagulant solution.* The anticoagulant solution shall be sterile and pyrogen-free. One of the following formulae may be used in the indicated volumes:

	Solution A	Solution B
Tri-sodium citrate ($Na_3C_6H_5O_7 \cdot 2H_2O$).	22.0 gm.	13.2 gm.
Citric acid ($C_6H_8O_7 \cdot H_2O$)	8.0 gm.	4.8 gm.
Dextrose ($C_6H_{12}O_6 \cdot H_2O$)	24.5 gm.	14.7 gm.
Water for injection (U.S.P.) to make.	1,000 ml.	1,000 ml.
Volume per 100 ml. blood	15 ml.	25 ml.

No other anticoagulant may be used unless prior to use the Surgeon General has found that under such conditions of dating, storage, and use as he may prescribe, the proposed anticoagulant is at least as effective as the above formulae in preventing coagulation and in preserving red blood cells.

(e) *Donor identification.* Each unit of blood shall be so marked or identified by number or other symbol as to relate it to the individual donor.

(f) *Prevention of contamination of the blood.* The skin of the donor at the site of phlebotomy shall be prepared thoroughly and carefully by a method that gives maximum assurance of a sterile container of blood. The blood shall be collected by aseptic methods in a sterile system which may be closed or may be vented if the vent protects the blood against contamination.

(g) *Pilot samples for laboratory tests.* Before blood collection, at least one pilot tube shall be attached securely to the container in a manner that will give evidence of removal. The pilot tube and containers for additional samples as needed for laboratory testing shall bear the donor's identification at the time of blood collection. All samples shall be collected by the person collecting the blood at the time of filling the final container.

(h) *Storage.* Immediately after collection, the blood shall be placed in storage at 4° to 6° C. unless it must be transported from the donor clinic to the processing laboratory. In this case the blood shall be placed in temporary storage having sufficient refrigeration capacity to cool the blood continuously toward 4° to 6° C. until it arrives at the processing laboratory where it shall be stored at 4° to 6° C.

§ 73.303 Processing the blood.

All laboratory tests shall be made on a pilot sample specimen of blood taken from the donor at the time of collecting the unit of blood, and these tests shall include the following:

(a) *Serological test for syphilis.* Whole Blood (Human) shall be negative to a serological test for syphilis, except that blood may be issued in an emergency without performing a serological test for syphilis, provided that the label conspicuously indicates that the test was not done.

(b) *Determination of blood group.* Each container of Whole Blood (Human) shall be classified as to ABO blood group. At least two blood group tests shall be made and the unit shall not be issued until grouping tests by different methods or with different lots of antiserums are in agreement. Only those Anti-A and Anti-B Blood Grouping Serums licensed under, or that otherwise meet the requirements of, the regulations of this part shall be used, and the technique used shall be that for which the serum is specifically designed to be effective.

(c) *Determination of the Rh factors.* Each container of Whole Blood (Human) shall be classified as to Rh type on the basis of tests done on the pilot sample. The label shall indicate the extent of typing and the results of all tests performed. If the test, using Anti-Rh_o (Anti-D) Typing Serum, is positive, the container may be labeled "Rh Positive". If this test is negative, the results shall be confirmed by further testing which may include tests for the Rh_o variant (D^u) and for other Rh-Hr factors. Blood may be labeled "Rh Negative" if negative to tests for the Rh_o (D) and Rh_o variant (D^u) factors. If the test using Anti-Rh_o (Anti-D) Typing Serum is negative, but not tested for the Rh_o variant (D^u), the label must indicate that this test was not done. Only Anti-Rh Typing Serums licensed under, or that otherwise meet the requirements of, the regulations of this part shall be used, and the technique used shall be that for which the serum is specifically designed to be effective.

(d) *Sterility test.* Whole Blood (Human) intended for transfusion shall not be tested for sterility by a method that entails entering the final container.

(e) *Inspection.* Whole Blood (Human) shall be inspected visually during storage and immediately prior to issue. If the color or physical appearance is abnormal or there is any indication or suspicion of microbial contamination the unit of Whole Blood (Human) shall not be issued for transfusion.

§ 73.304 General requirements.

(a) *Manufacturing responsibility.* The entire processing of Whole Blood (Human), including donor examination, blood collection, laboratory tests, labeling, storage and issue, shall be done under the supervision and control of the same licensed establishment except that the Surgeon General may approve arrangements, upon joint request of two or more licensed establishments, which he finds are of such a nature as to assure compliance otherwise with the provisions of this part.

(b) *Periodic check on sterile technique.* One or more containers of blood shall be tested for sterility each month as a continuing check on technique.

(c) *Final container.* The original blood container shall be the final container and shall not be entered prior to issue for any purpose except for blood collection. Such container shall be uncolored and transparent to permit visual inspection of the contents and any closure shall be such as will maintain an hermetic seal and prevent contamination of the contents. The container material shall not interact with the contents under the customary conditions of storage and use, in such a manner as to have an adverse effect upon the safety, purity, or potency of the blood.

(d) *Shipment of Whole Blood (Human).* Whole Blood (Human) shall be maintained continuously at 4° to 10° C. during shipment.

(e) *Reissue of blood.* Blood that has been removed from storage controlled by a licensed establishment shall not be reissued by a licensed establishment unless the following conditions are observed:

(1) The container has a tamper-proof seal when originally issued and this seal remains unbroken;

(2) The original pilot sample is properly attached and has not been removed, except that blood lacking a pilot sample may be reissued in an emergency provided it is accompanied by instructions for sampling and for use within 6 hours after entering the container for sampling;

(3) The blood has been maintained continuously at 4° to 10° C.;

(4) The blood is held for observation until a significant inspection consistent with the requirements of § 73.303(e) can be made.

(f) *Records.* Records shall be maintained of all aspects of the applicable procedures specified in this part.

§ 73.305 Labeling.

In addition to the items required in §§ 73.50, 73.51, 73.52, 73.54, and 73.55 or otherwise by law, the following must appear on the label of each container:

(a) *Anticoagulant.* Quantity and kind of anticoagulant used and the volume of blood corresponding with the

formula prescribed or approved under § 73.302(d).

(b) *Serological test.* The serological test for syphilis used.

(c) *Blood group and type.* Designation of blood group and Rh factors:

(1) The blood group and Rh factors shall be designated conspicuously.

(2) If a color scheme for differentiating the ABO blood groups is used, the color used to designate each blood group on the container shall be:

Blood Group A: Yellow.
Blood Group B: Pink.
Blood Group O: Blue.
Blood Group AB: White.

(d) *Additional information for labels of Group O bloods.* Each Group O blood shall be labeled with a statement indicating whether or not isoagglutinin titers or other tests to exclude so-called "dangerous" Group O bloods were performed, and indicating the classification based on such tests.

§ 73.306 Expiration date.

The expiration date for Citrated Whole Blood (Human) using either of the two anticoagulant formulae specified in § 73.302(d) shall not exceed 21 days after the date of bleeding the donor. The expiration date for Whole Blood (Human) using any other anticoagulant found acceptable under such section shall be determined by the Surgeon General on the basis of the length of red blood cell survival.

Dated: April 8, 1960.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: April 14, 1960.

ARTHUR S. FLEMMING,
Secretary.

[F.R. Doc. 60-3627; Filed, Apr. 19, 1960; 8:52 a.m.]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

SUBCHAPTER S—NUMBERING OF UNDOCUMENTED VESSELS, STATISTICS ON NUMBERING, AND "BOATING ACCIDENT REPORTS" AND ACCIDENT STATISTICS

[CGFR 60-28]

PART 171—STANDARDS FOR NUMBERING

Temporary Exemptions From Numbering Under Federal Boating Act of 1958 in Massachusetts and Nevada

On April 1, 1960, the standards for numbering of undocumented vessels under the Federal Boating Act of 1958 came into effect in those States which have neither a Coast Guard approved State numbering system nor a temporary exemption from numbering requirements until July 1, 1960. Under 46 CFR 171.01-6 the Commandant may temporarily exempt from numbering requirements until July 1, 1960, all undocumented vessels principally used within a particular State upon finding that such State has under active consideration or has nearly perfected a numbering system which will meet the Coast Guard requirements for approval. In the FEDERAL REGISTER dated March 18, 1960, was published informative rules describing the status of numbering in various States under the Federal Boating Act. On March 21, 1960, the New York system of numbering was approved (25 F.R. 2892). On March 22, 1960, the Colorado system for numbering was approved (25 F.R. 2892). On March 29, 1960, the Missouri system of numbering was approved.

The purpose for this document is to publish as informative rules the temporary exemptions granted to the States of Nevada and Massachusetts until July 1, 1960, with respect to numbering under the Federal Boating Act of 1958 of undocumented vessels principally used within such States. These exemptions were granted in order to permit establishment of State numbering systems which may be approved. Both Nevada and Massachusetts will recognize the validity of any certificate of number issued by the Coast Guard as provided in the Federal Boating Act of 1958, which may occur because applications were accepted by certain Post Offices in accordance with their official instructions before receiving notification of these temporary exemptions.

Because the amendments to §§ 171.01-6 (b), and 171.10-1(a), as set forth in this document, are informative rules about official actions performed by the Commandant, it is hereby found that compliance with the Administrative Procedure Act (respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof) is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), and 167-17, dated June 29, 1955 (20 F.R. 4976), to promulgate rules in accordance with the statutes cited with the informative rules below, the following amendments are prescribed:

SUBPART 171.01—GENERAL

In § 171.01-6 *Temporary exemptions until July 1, 1960,* paragraph (b) is amended by inserting in the list of States having temporary exemptions the States of "Massachusetts" and "Nevada."

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

SUBPART 171.10—APPLICATION FOR NUMBER

In § 171.10-1 *To whom made,* paragraph (a) is amended by deleting "Massachusetts" and "Nevada" from the list of States in which the Coast Guard will number undocumented vessels.

(Sec. 3, 60 Stat. 238, and sec. 633, 63 Stat. 545; 5 U.S.C. 1002, 14 U.S.C. 633)

Dated: April 14, 1960.

[SEAL] A. C. RICHMOND,
Vice Admiral, U.S. Coast Guard, Commandant.

[F.R. Doc. 60-3574; Filed, Apr. 19, 1960; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 168—DIRECTORY OF INTERNATIONAL MAIL

Individual Country Regulations

The regulations of the Post Office Department in § 168.5 *Individual country regulations,* as published in the FEDERAL REGISTER of March 20, 1959, at pages 2117-2195, as Federal Register document 59-2388, are amended as follows:

I. In country "Leeward Islands (Anguilla, Antigua, Barbuda, Montserrat, Nevis, Redonda, Saint Christopher or Saint Kitts and Virgin Islands (British))", as amended by Federal Register document 59-7459, 24 F.R. 7250-7251, Federal Register document 60-2068, 25 F.R. 1948-1949, Federal Register document 60-2293, 25 F.R. 2104, under Postal Union Mail, the item *Letter packages containing dutiable merchandise* is amended to show that Antigua accepts perishable biological material. As so amended, the item reads as follows:

Letter packages containing dutiable merchandise. Accepted. See § 112.1(e) of this chapter. Perishable biological materials accepted to Antigua only. See § 111.3(b)(5) of this chapter.

II. In country "Windward Islands (Dominica, Grenada, The Grenadines, Saint Lucia, and Saint Vincent)", as amended by Federal Register document 59-7459, 24 F.R. 72-50-7251, Federal Register document 60-2068, 25 F.R. 1948-1949, Federal Register document 60-2293, 25 F.R. 2104, make the following changes:

A. Under Postal Union Mail, the item *Letter packages containing dutiable merchandise* is amended to show that Grenada and the Grenadines accept perishable biological materials. As so amended, the item reads as follows:

Letter packages containing dutiable merchandise. Accepted. See § 112.1(e) of this chapter. Perishable biological materials accepted to Grenada and the Grenadines only. See § 111.3(b)(5) of this chapter.

B. Under Parcel Post, the item *Import restrictions* is amended as a result of changes in the import license requirements of St. Vincent. As so amended, the item reads as follows:

Import restrictions. Addressees in Saint Vincent are required to obtain import licenses for certain foodstuffs, certain pharmaceutical products and soap exceeding $28.00 (U.S. currency) in value. As the license must be obtained before the arrival of the parcel, the sender should notify the addressee in advance of the cost of any shipment likely to require a license, including postage and insurance.

III. In country "Yugoslavia", as amended by Federal Register document 59-5635, 24 F.R. 5490-5491, Federal Register document 60-2068, 25 F.R. 1948-1949, Federal Register document 60-2293, 25 F.R. 2104, under Postal Union Mail, the items *Letter packages contain-*

ing dutiable merchandise and registration are amended as a result of changes in the registration requirements. As so amended, the items read as follows:

Letter packages containing dutiable merchandise. Accepted. See § 112.1(e) of this chapter.

Registration. Fee, 50 cents. Maximum indemnity, $8.17. See § 132.6(a) (1) of this chapter concerning restricted delivery.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60-3563; Filed, Apr. 19, 1960; 8:48 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 60-404]

PART 10—PUBLIC SAFETY RADIO SERVICES

Exclusion of Veterinarians From Requirement of Maintaining Records of Transmissions

1. The Commission has before it for consideration a petition filed by the Iowa Veterinary Medical Association requesting amendment of § 10.161(d) of Part 10 of the Commission's rules to exclude veterinarians from that class of Special Emergency Radio Service licensees which is now required to maintain "a record showing the nature and time of each communication * * *".

2. This requirement is not imposed on any other Public Safety Radio Service licensees. It is cumbersome for licensees engaging in base-mobile operations; and where the transmissions pertain to public safety and are numerous, it may impede the efficient operation of the system resulting in a detriment to the public at large. Since there is no longer any necessary enforcement or administrative purpose served by this requirement, it appears beneficial to exclude all licensees in the Special Emergency Radio Service from having to maintain these "logs."

3. Since the result of deleting § 10.161 (d) will be to relax existing requirements and there will be no adverse effect to any present or future licensee in the Special Emergency Radio Service, it appears that this amendment can be effected without the Notice and public procedures contemplated by section 4 of the Administrative Procedure Act. Authority for this amendment is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

4. In view of the foregoing: *It is ordered,* This 13th day of April 1960, That the petition is granted and Part 10 of the Commission's rules is amended effective May 15, 1960.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: April 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 10 of the Commission's rules is amended as follows:

Section 10.161 is amended by deleting the text of § 10.161(d) and inserting the word "[Reserved]." As amended, § 10.161(d) reads as follows:

§ 10.161 Contents of station records.

* * * * *

(d) [Reserved]

[F.R. Doc. 60-3590; Filed, Apr. 19, 1960; 8:50 a.m.]

[Docket No. 12913; FCC 60-397]

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Miscellaneous Amendments

In the matter of amendment of Part 11, Industrial Radio Services, and Part 16, Land Transportation Radio Services, and Part 21, Domestic Public Radio Services (other than Maritime Mobile); to provide for the normal operation of certain additional stations without licensed operators.

1. On June 19, 1959, the Commission released a notice of proposed rule making in the above-described matter. That Notice made provisions for the filing of comments by July 20, 1959, and was duly published in the FEDERAL REGISTER on June 25, 1959 (24 F.R. 5188). Favorable comments with respect to the proposals were received from:

Southern California Gas Co.
Southern Counties Gas Co. of California.
National Ready Mixed Concrete Association.
National Sand and Gravel Association.
Association of American Railroads.
Central Committee on Radio Facilities of the American Petroleum Institute.
Special Industrial Radio Service Association.
National Committee for Utilities Radio Communications Engineering Co.

2. Comments received from the Western Union Telegraph Company were favorable to the proposals except that part relating to record keeping under § 21.208(g)(1). Western Union states that, where licensed operators are employed, this section makes it obligatory for them to record, twice a day, the particulars of their licenses and suggests that the requirment be made less onerous by adding, at the end of the section the words "unless such license information is recorded in a prominently indicated page of the log book". It is not apparent that such a requirement is onerous as alleged. It must be recognized that the modification proposed by Western Union, if adopted, may lead to difficulties since operators may sometimes be employed who are not regularly assigned to the station, and the recording of the information on a page of the log book, as suggested, would not necessarily identify, in all cases, the responsible operator on duty. However, the suggestion of Western Union leads us to the conclusion that it is practicable to eliminate the present requirement for entering the operator license particulars in the operation log book when signing his name in the log upon leaving duty, and we have so provided. Thus, § 21.208(g)(1) of the rules will provide:

(g) For each station which is required to maintain one or more control points, an operation log book shall be kept showing:

(1) The time and signature, upon entering upon duty at the station and again upon leaving duty, of the person or persons responsible for the operation of the transmitting equipment each day. Where the person responsible for the operation of the station is required to be a licensed radio operator, the log entry shall also show on each signing in, the class, serial number and expiration date of his operator license.

3. Comments in opposition to the proposed changes in Part 11 were filed by Forest Industries Radio Communications. This organization favored the retention of the operator license requirement on the ground that it assists the station licensee and the Commission in policing the operation of communication systems. The Commission recognizes this factor as being present. However, in the light of its regulatory experience in this field during more than 12 years of industry operation of a large number of mobile stations without a license requirement (for normal rendition of service), the Commission does not believe that operator licensing at the level here involved is necessary for the maintenance of proper control and discipline.

4. The Temporary Limited Radiotelegraph Second-Class Operator License has been discontinued and all licenses of this class have expired. Reference to such class of license has therefore been deleted from the Rules and necessary editorial changes have been made.

5. The Commission has carefully considered all comments received in this proceeding and does not believe that the information presented therein warrants any other change in the amendments proposed.

6. Accordingly, it appearing that the public interest, convenience and necessity will be served by eliminating the requirement for licensed radio operators at land and fixed stations governed by the above-mentioned rules, operating in normal rendition of service on frequencies above 30 Mc (above 25 Mc in certain services), as set forth in this proceeding;

It is hereby ordered, That, pursuant to authority contained in section 318 of the Communications Act of 1934, as amended, the requirement for licensed

operators at said stations is waived, and that Parts 11, 16, and 21 of the Commission's rules are amended, as set forth below.

It is further ordered, That these amendments are effective April 25, 1960.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 318, 48 Stat. 1082, 1089; 47 U.S.C. 303, 318)

Adopted: April 13, 1960.

Released: April 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 11.107 is amended to read as follows:

§ 11.107 Transmitter control requirements.

(a) Each transmitter shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

(b) A control point is an operating position which meets all of the following conditions:

(1) The position must be under the control and supervision of the licensee;

(2) It is a position at which the monitoring facilities required by this section are installed; and

(3) It is a position at which a person immediately responsible for the operation of the transmitter is stationed.

(c) Each station shall be provided with a control point, the location of which will be specified in the license. It will be assumed that the location of the control point is the same as that of the transmitting equipment unless the application includes a request for a different location. Authority must be obtained from the Commission for the installation of additional control points.

(d) A dispatch point is any position from which messages may be transmitted under the supervision of the person at a control point who is responsible for the operation of the transmitter. Dispatch points may be installed without authorization from the Commission.

(e) At each control point, the following facilities shall be installed:

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating; or, in lieu thereof, a pilot lamp or meter which will provide continuous visual indication when the transmitter control circuits have been placed in a condition to produce radiation: *Provided, however,* That the provisions of this subparagraph shall not apply to hand-carried or pack-carried transmitters;

(2) Equipment to permit the person responsible for the operation of the transmitter to aurally monitor all transmissions originating at dispatch points under his supervision;

(3) Facilities which will permit the person responsible for the operation of the transmitter either to disconnect the dispatch point circuits from the transmitter or to render the transmitter inoperative from any dispatch point under his supervision; and

(4) Facilities which will permit the person responsible for the operation of the transmitter to turn the transmitter carrier on and off at will.

2. Section 11.154 is amended to read as follows:

§ 11.154 Operator requirements.

(a) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment: *Provided, however,* That only persons holding a radiotelegraph first- or second-class operator license shall perform such functions at radiotelegraph stations transmitting by any type of the Morse code.

(b) Except under the circumstances specified in paragraph (a) of this section, only a person holding a commercial radiotelegraph operator license or permit of any class issued by the Commission shall operate a station during the course of normal rendition of service when transmitting radiotelegraphy by any type of the Morse code.

(c) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) and (h) of this section, an unlicensed person, after being authorized by the station licensee to do so, may operate from a control point a mobile base, or fixed station, or from a dispatch point a base or fixed station, during the course of normal rendition of service when transmitting on frequencies above 25 Mc.

(d) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) and (h) of this section, only a person holding a commercial radio operator license or permit of any class issued by the Commission shall operate a mobile station during the course of normal rendition of service when transmitting on frequencies below 25 Mc: *Provided, however,* That an unlicensed person, after being authorized to do so by the station licensee, may operate such a mobile station during the course of normal rendition of service when transmitting on frequencies below 25 Mc while it is associated with and under the operational control of a base station of the same station licensee.

(e) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) and (h) of this section, base stations and fixed stations shall be operated in accordance with the following when transmitting during the course of normal rendition of service on frequencies below 25 Mc:

(1) From a control point, only a person holding a commercial radio operator license or permit of any class issued by the Commission shall operate a base station or fixed station.

(2) From a dispatch point, an unlicensed person may operate a base station or fixed station after being authorized to do so by the station licensee: *Provided, however,* That such operation shall be under the direct supervision and responsibility of a person who (i) holds a commercial radio operator license or permit of any class issued by the Commission and who (ii) is on duty at a control point meeting the requirements of Subpart C of this part.

(f) Except under the circumstances specified in paragraph (a) of this section, and except as limited by paragraphs (g) and (h) of this section, no person, whether or not a licensed operator, is required to be in attendance at a station when transmitting during the course of normal rendition of service and when either (1) transmitting for telemetering purposes or (2) retransmitting by self-actuating means a radio signal received from another radio station or stations.

(g) The provisions of this section authorizing certain unlicensed persons to operate certain stations, or authorizing unattended operation of stations in certain circumstances, shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them (including all transmitter units thereof), or for the proper functioning and operation of those stations (including all transmitter units thereof) in accordance with the terms of the licenses of those stations.

(h) Notwithstanding any other provisions of this section, unless the transmitter is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, and unless the transmitter is so installed that all controls which may cause improper operation or radiation are not readily accessible to the person operating the transmitter, such transmitter shall be operated by a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission being used, issued by the Commission.

3. Section 16.107 is amended to read as follows:

§ 16.107 Transmitter control requirements.

(a) Each transmitter shall be so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

(b) A control point is an operating position which meets all of the following conditions:

(1) The position must be under the control and supervision of the licensee;

(2) It is a position at which the monitoring facilities required by this section are installed; and

(3) It is a position at which a person immediately responsible for the operation of the transmitter is stationed.

(c) Each station shall be provided with a control point, the location of which will be specified in the license. It will be assumed that the location of the control point is the same as that of the transmitting equipment unless the application includes a request for a different location. Authority must be obtained from the Commission for the installation of additional control points.

(d) A dispatch point is any position from which messages may be transmitted under the supervision of the person at a control point who is responsible for the operation of the transmitter. Dispatch points may be installed without authorization from the Commission.

(e) At each control point the following facilities shall be installed:

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating; or, in lieu thereof, a pilot lamp or meter which will provide continuous visual indication when the transmitter control circuits have been placed in a condition to produce radiation: *Provided, however,* That the provisions of this subparagraph shall not apply to hand-carried or pack-carried transmitters;

(2) Equipment to permit the person responsible for the operation of the transmitter to aurally monitor all transmissions originating at dispatch points under his supervision;

(3) Facilities which will permit the person responsible for the operation of the transmitter either to disconnect the dispatch point circuits from the transmitter or to render the transmitter inoperative from any dispatch point under his supervision; and

(4) Facilities which will permit the person responsible for the operation of the transmitter to turn the transmitter carrier on and off at will.

4. Section 16.154 is amended to read as follows:

§ 16.154 Operator requirements.

(a) All transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment: *Provided, however,* That only persons holding a radiotelegraph first- or second-class operator license shall perform such functions at radiotelegraph stations transmitting by any type of the Morse code.

(b) Except under the circumstances specified in paragraph (a) of this section, only a person holding a commercial radiotelegraph operator license or permit of any class issued by the Commission shall operate a station during the course of normal rendition of service when transmitting radiotelegraphy by any type of the Morse code.

(c) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) and (h) of this section, an unlicensed person, after being authorized to do so by the station licensee, may operate from a control point a mobile, base, or fixed station, or from a dispatch point a base or fixed station, during the course of normal rendition of service when transmitting on frequencies above 25 Mc.

(d) Except under circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) and (h) of this section, only a person holding a commercial radio operator license or permit of any class issued by the Commission shall operate a mobile station during the course of normal rendition of service when transmitting on frequencies below 25 Mc: *Provided, however,* That an unlicensed person, after being authorized to do so by the station licensee, may operate such a mobile station during the course of normal rendition of service when transmitting on frequencies below 25 Mc while it is associated with and under the operational control of a base station.

(e) Except under the circumstances specified in paragraphs (a) and (b) of this section, and except as limited by paragraphs (g) and (h) of this section, base stations and fixed stations shall be operated in accordance with the following when transmitting during the course of normal rendition of service on frequencies below 25 Mc:

(1) From a control point, only a person holding a commercial radio operator license or permit of any class issued by the Commission shall operate a base station or fixed station.

(2) From a dispatch point, an unlicensed person may operate a base station or fixed station after being authorized to do so by the station licensee. *Provided, however,* That such operation shall be under the direct supervision and responsibility of a person who (i) holds a commercial radio operator license or permit of any class issued by the Commission and who (ii) is on duty at a control point meeting the requirements of Subpart C of this part.

(f) Except under the circumstances specified in paragraph (a) of this section, and except as limited by paragraphs (g) and (h) of this section, no person, whether or not a licensed operator, is required to be in attendance at a station when transmitting during the course of normal rendition of service and when either (1) transmitting for telemetering purposes or (2) retransmitting by self-actuating means a radio signal received from another radio station or stations.

(g) The provisions of this section authorizing certain unlicensed persons to operate certain stations, or authorizing unattended operation of stations in certain circumstances, shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain control over the stations licensed to them (including all transmitter units thereof), or for the proper functioning and operation of those stations (including all transmitter units thereof) in accordance with the terms of the licenses of those stations.

(h) Notwithstanding any other provisions of this section, unless the transmitter is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, and unless the transmitter is so installed that all controls which may cause improper operation or radiation are not readily accessible to the person operating the transmitter, such transmitter shall be operated by a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission being used, issued by the Commission.

§ 16.354 [Deletion]

5. Section 16.354 is deleted.

6. Section 21.118 (d) and (f) are amended to read as follows:

§ 21.118 Transmitter construction and installation.

* * * * *

(d) Each station in these services, which is required to have a person on duty and in charge of the station's operations during the normal rendition of service, shall be provided with at least one control point. Prior authority from the Commission is required for the installation of any control point which is to be more than 100 feet from the transmitter or which is to be at an address different from that of the transmitter.

* * * * *

(f) Transmitter control circuits from any control point shall be so installed that grounding or shorting any line in the control circuit will not cause the transmitter to radiate: *Provided, however,* That this provision shall not be applicable to control circuits of stations which normally operate with continuous radiation or to control circuits which are under the effective operational control of responsible operating personnel 24 hours per day.

7. Section 21.205 (a), (h), and (m) are amended, and (i) is deleted, as follows:

§ 21.205 Operator requirements.

(a) Any person in charge of a radio station in these services shall be competent to maintain proper radio logs and records relative to such operations where they are required.

* * * * *

(h) Any person may, after obtaining permission from the station licensee, operate the following types of stations during the course of normal rendition of service, under the circumstances set forth below:

(1) A mobile station, when communicating with or through a base station in the Domestic Public Land Mobile Radio Service.

(2) A rural subscriber or mobile station in the Rural Radio Service.

(3) Central Office stations, Inter-Office stations, Auxiliary Test Stations, and Base stations, including Radio Control Stations which may be associated therewith.

(i) [Reserved]

* * * * *

(m) The provisions of paragraph (h) of this section authorizing certain unlicensed persons to operate radio stations shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain effective operational control over the stations operating under their license (including all transmitter units thereof), or for the proper functioning of those stations in accordance with the terms of the instrument of authorization and applicable rules and regulations.

8. Section 21.208(g), preceding subparagraph (2), is amended to read as follows:

§ 21.208 Station records.

* * * * *

(g) For each station which is required to maintain one or more control points, an operation log book shall be kept showing:

(1) The time and signature, upon entering upon duty at the station and again upon leaving duty, of the person or persons responsible for the operation of the transmitting equipment each day. Where the person responsible for the operation of the station is required to be a licensed radio operator, the log entry shall also show, on each signing in, the class, serial number, and expiration date of his operator license.

[F.R. Doc. 60-3591; Filed, Apr. 19, 1960; 8:50 a.m.]

PART 31—UNIFORM SYSTEM OF ACCOUNTS, CLASS A AND CLASS B TELEPHONE COMPANIES

PART 33—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C TELEPHONE COMPANIES

Miscellaneous Amendments

In the matter of amendment of Part 31, Uniform System of Accounts, Class A and Class B Telephone Companies; and Part 33, Uniform System of Accounts for Class C Telephone Companies; of the Commission's rules and regulations, for the purpose of making editorial changes therein.

The Commission has had under consideration the desirability of making certain editorial changes in Parts 31 and 33 of its rules and regulations.

The purpose of the amendments adopted herein is to incorporate a Case into the basic text, to change some cross references to other parts of the rules so that they will not become obsolete if contemplated changes in the other parts are made, to delete a Case which has no possible application, to correct certain typographical errors which have found their way into the Code of Federal Regulations in the course of reprinting, and to correct minor inconsistencies in language having no effect on the substance of the Rules.

It appearing that the amendments adopted herein are editorial in nature and hence that compliance with the public notice, procedural, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4(i), 5(d)(1), and 220 of the Communications Act of 1934, as amended, and section 0.341 of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 15th day of April 1960, that, effective April 29, 1960, Parts 31 and 33 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066 as amended, 47 U.S.C. 154. Interprets or applies sec. 220, 48 Stat. 1078; 47 U.S.C. 220)

Released: April 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

I. Part 31—Uniform System of Accounts, Class A and Class B Telephone Companies, is amended as follows:

1. In § 31.01-2(b) change the cross reference immediately preceding paragraph (c) to read as follows:

CROSS REFERENCE: For regulations governing the periods for which records are to be retained, see the pertinent part of this chapter which relates to preservation of records.

2. In § 31.01-5(b) change the last sentence to read as follows: "The company shall show in the appropriate schedule of its annual report to this Commission the full particulars concerning each such item in the manner prescribed therein."

3. In § 31.212 change the 28th Item to read as follows: "Voiding leases to secure possession of buildings acquired."

4. In § 31.315 change the text of Note A to read as follows: "Net debit balances shall be shown in parentheses in the income statement of the report to this Commission."

5. In Appendix A, delete Case 24-R-1 and substitute the following: "The Commission on April 15, 1960 deleted Case 24-R-1, effective April 29, 1960."

II. Part 33—Uniform System of Accounts for Class C Telephone Companies, is amended as follows:

1. Immediately preceding the center caption over § 33.1, *Classification of Companies* insert the following:

NOTE: Explanation of numbering in this part.

The number "33" (appearing to the left of the decimal point) indicates the part number. The numerals appearing to the right of the decimal are the section numbers. One digit section numbers indicate information of general applicability. Two digit section numbers indicate instructions, e.g., § 33.12 and § 33.21. The order of the instructions follows the order in which the related accounts appear in this system. Section numbers with four digits indicate prescribed accounts, e.g., § 33.1700 and § 33.4010. References to accounts are made by citing the account number only, e.g., account 1880 instead of the corresponding section number (§ 33.1880). The telephone plant accounts which are subdivisions of account 1000 are so indicated by the use of the numeral 10 as the first two digits of the four digit numbers. Similarly, the operating revenue accounts and the operating expense accounts are keyed to the control accounts in the income statement.

2. In § 33.12(c) change this paragraph to read:

(c) The periods for which records are to be retained are set forth in the part of this chapter which relates to preservation of records.

3. In § 33.14 add the following sentence at the end of this paragraph: "Questions and answers thereto with respect to this system of accounts are included in Appendix A."

4. In § 33.34(a) delete the words "the rent subdivision of" which immediately precedes the words "account 4190."

5. In § 33.35(f) change the caption of this paragraph to read: "Telephone plant sold with associated telephone traffic."

6. In § 33.75 immediately following the caption, "Accounts prescribed to be kept," add the following text: "Each Class C company to which this system of accounts is applicable shall keep all of the accounts included in this part which apply to its affairs."

7. In § 33.1200, Note B delete the parenthetical cross reference and substitute the following: "(See the Appendix to Part 1 of this chapter.)"

8. In § 33.1500(b) change the seventh word, "what" to read, "that."

9. In § 33.1620(a) change the words "temporary investing cash," to read "temporarily investing cash."

10. In § 33.2500(b) change the thirteenth word of the second sentence, now "shal," to "shall."

11. In § 33.1012 change the last word of the parenthetical cross reference following the text of this account, now "I and," to, "Land." and add a closing parenthesis.

12. In § 33.93 change the title, now "Questions," to read, "Questions concerning accounts recommended for class D companies."

13. In § 33.94 change the title, now "List of accounts," to read: "Accounts recommended for class D companies."

14. Change the title of Appendix A to read: "Interpretations of the accounting requirements contained in this system of accounts."

15. Delete the "Note" which follows the title of Appendix A.

16. Change footnote 3 of Appendix A, now "§ 33.32(b)(8)," to read: "For class C companies: § 33.33(b)(8)."

17. Delete the text of case 1 of Appendix A and substitute the following: "(Applicable only to class A and class B companies.)"

18. In Appendix A, delete Case 24-R-1 and substitute the following: "The Commission on April 15, 1960 deleted Case 24-R-1, effective April 29, 1960."

[F.R. Doc. 60-3592; Filed, Apr. 19, 1960; 8:51 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 934]

[Docket No. AO-316]

HANDLING OF FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN THE STATE OF WASHINGTON

Decision With Respect to Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Yakima, Washington, on January 28–29, 1960, and continued at Wenatchee, Washington, on February 1, 1960, after notice thereof published in the FEDERAL REGISTER (25 F.R. 245), on a proposed marketing agreement and order regulating the handling of fresh peaches grown in designated counties in the State of Washington, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

On the basis of the evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Marketing Services, Agricultural Marketing Service, on March 24, 1960, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F.R. Doc. 60–2813; 25 F.R. 2629). No exceptions were filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F.R. Doc. 60–2813; 25 F.R. 2629) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Fresh Peaches Grown in Designated Counties in the State of Washington," and "Order Regulating the Handling of Fresh Peaches Grown in Designated Counties in the State of Washington," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

It is hereby ordered, That all of this decision, except the annexed agreement, be published in the FEDERAL REGISTER.

The regulatory provisions of the said agreement are identical with those contained in the annexed order which will be published with this decision.

Dated: April 15, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

Order[1] Regulating the Handling of Fresh Peaches Grown in Designated Counties in the State of Washington

AUTHORITY: §§ 934.0 to 934.71 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 934.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure, as amended, effective thereunder (7 CFR Part 900), a public hearing was held at Yakima, Washington, on January 28–29, 1960, and continued at Wenatchee, Washington, on February 1, 1960, upon a proposed marketing agreement and a proposed marketing order regulating the handling of fresh peaches grown in designated counties in the State of Washington. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) This order regulates the handling of peaches grown in the production area in same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of peaches grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of peaches grown in the production area as defined in the order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, the handling of peaches grown in the said production area shall be in conformity to, and in compliance with, the terms and condtions of this order; and such terms and conditions are as follows:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

DEFINITIONS

§ 934.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 934.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 934.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 934.4 Production area.

"Production area" means the Counties of Okanogan, Chelan, Kittitas, Yakima, and Klickitat in the State of Washington and all of the counties in Washington lying east therof.

§ 934.5 Peaches.

"Peaches" means all varieties of peaches, grown in the production area, classified botanically as Prunus persica.

§ 934.6 Varieties.

"Varieties" means and includes all classifications or subdivisions of Prunus persica.

§ 934.7 Fiscal period.

"Fiscal period" is synonymous with fiscal year and means the 12-month period ending on March 31 of each year or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

§ 934.8 Committee.

"Committee" means the Washington Fresh Peach Marketing Committee established pursuant to § 934.20.

§ 934.9 Grade.

"Grade" means any one of the officially established grades of peaches as defined and set forth in:

(a) United States Standards for Peaches (§§ 51.1210–51.1223 of this title) or amendments thereto, or modifications thereof, or variations based thereon;

(b) Standards for peaches issued by the State of Washington or amendments thereto, or modifications thereof, or variations based thereon.

§ 934.10 Size.

"Size" means the greatest diameter, measured through the center of the peach, at right angles to a line running from the stem to the blossom end, or such other specification as may be established by the committee with the approval of the Secretary.

§ 934.11 Grower.

"Grower" is synonymous with producer and means any person who produces peaches for market and who has a proprietary interest therein.

§ 934.12 Handler.

"Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting peaches owned by another person) who handles peaches.

§ 934.13 Handle.

"Handle" or "ship" means to sell, consign, deliver, or transport peaches within the production area or between the production area and any point outside thereof: *Provided,* That the term "handle" shall not include the transportation within the production area of peaches from the orchard where grown to a packing facility located within such area for preparation for market.

§ 934.14 District.

"District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 934.31(m):

(a) "District 1" shall include the Counties of Chelan, Okanogan, Douglas, Grant, Lincoln, Spokane, Ferry, Stevens, and Pend Oreille in the State of Washington.

(b) "District 2" shall include the Counties of Kittitas, Yakima, Klickitat, Benton, Adams, Franklin, Walla Walla, Whitman, Columbia, Garfield, and Asotin in the State of Washington.

§ 934.15 Export.

"Export" means to ship peaches to any destination which is not within the 48 contiguous States, or the District of Columbia, of the United States.

§ 934.16 Pack.

"Pack" means the specific arrangement, size, weight, count, or grade of a quantity of peaches in a particular type and size of container, or any combination thereof.

§ 934.17 Container.

"Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of peaches.

ADMINISTRATIVE BODY

§ 934.20 Establishment and membership.

There is hereby established a Washington Fresh Peach Marketing Committee consisting of 12 members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Eight of the members and their respective alternates shall be growers or officers or employees of corporate growers. Four of the members and their respective alternates shall be handlers, or officers or employees of handlers. The 8 members of the committee who are growers or employees or officers of corporate growers are hereinafter referred to as "grower members" of the committee; and the 4 members of the committee who shall be handlers, or officers or employees of handlers, are hereinafter referred to as "handler members" of the committee. Four of the grower members and their respective alternates shall be producers of peaches in District 1, and four of the grower members and their respective alternates shall be producers of peaches in District 2. Two of the handler members and their respective alternates shall be handlers of peaches in District 1, and two of the handler members and their respective alternates shall be handlers of peaches in District 2.

§ 934.21 Term of office.

The term of office of each member and alternate member of the committee shall be for two years beginning April 1 and ending March 31: *Provided,* That the term of office of one-half the initial members and alternates from each district shall end March 31, 1961. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 934.22 Nomination.

(a) *Initial members.* Nominations for each of the initial members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of group meetings of the growers and handlers concerned in each district. Such nominations, if made, shall be filed with the Secretary, no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified in, this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 934.20.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than March 1 of each year, a meeting or meetings of growers and handlers in each district for the purpose of designating nominees for successor members and alternate members of the committee. At each such meeting a chairman and a secretary shall be selected by the growers and handlers eligible to participate therein. The chairman shall announce at the meeting the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers, including duly authorized officers or employees of corporate growers, who are present at such nomination meetings may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces peaches. No grower shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of peaches, such person may vote either

as a grower or as a handler but not as both.

(3) Only handlers, including duly authorized officers or employees of handlers, who are present at such nomination meetings, may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles peaches, which vote shall be weighted by the volume of peaches handled by such handler during the then current fiscal year. No handler shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of peaches, such person may vote either as a grower or as a handler but not as both.

§ 934.23 Selection.

From the nominations made pursuant to § 934.22, or from other qualified persons, the Secretary shall select the 8 grower members of the committee, the 4 handler members of the committee, and an alternate for each such member.

§ 934.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 934.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 934.20.

§ 934.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 934.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 934.22 and 934.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 934.20.

§ 934.27 Alternate members.

An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other alternate member from the same district and group (handler or grower) to serve in such member's place and stead.

§ 934.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 934.31 Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent accountant at least once each fiscal year and at such time as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to peaches;

(i) To submit to the Secretary such available information as he may request;

(j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To investigate compliance with the provisions of this part;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided,* That any such changes shall reflect, insofar as practicable, shifts in peach production within the districts and the production area.

§ 934.32 Procedure.

(a) Eight members of the committee, including alternates acting for members, shall constitute a quorum; and any action of the committee shall require the concurring vote of at least seven members: *Provided,* That whenever more than 10 members are present at an assembled meeting, such requirement shall be at least 8 members.

(b) The committee may provide for simultaneous meetings of groups of its members assembled at two or more designated places: *Provided,* That such meetings shall be subject to the establishment of communication between all such groups and the availability of loud speaker receivers for each group so that each member may participate in the discussions and other actions the same as if the committee were assembled in one place. Any such meeting shall be considered as an assembled meeting.

(c) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided,* That if an assembled meeting is held, all votes shall be cast in person.

§ 934.33 Expenses and compensation.

The members of the committee, and alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and may also receive compensation, as determined by the committee, which shall not exceed $10.00 per day or portion thereof spent in performing such duties: *Provided,* That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

§ 934.34 Annual report.

The committee shall, prior to the last day of each fiscal period, prepare and mail an annual report to the Secretary and make a copy available to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal period; (b) an appraisal of the effect of such regulatory operations upon the peach industry; and (c) any recommendations for changes in the program.

EXPENSES AND ASSESSMENTS

§ 934.40 Expenses.

The committee is authorized to incur such expenses as the Secrtary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 934.41.

§ 934.41 Assessments.

(a) Each person who first handles peaches shall, with respect to the peaches so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal period. Each such person's share of such expenses shall be equal to the ratio between the total quantity of peaches handled by him as the first handler thereof during the applicable fiscal period and the total quantity of peaches so handled by all persons during the same fiscal period. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all peaches handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose.

§ 934.42 Accounting.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands repayment thereof, in which event it shall be paid to him: *Provided,* That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operating monetary reserve in an amount not to exceed approximately one fiscal year's operational expenses. Upon approval of the Secretary, funds in such reserve shall be available for use by the committee for all expenses authorized pursuant to § 934.40.

(3) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this part.

RESEARCH

§ 934.45 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of peaches. The expense of such projects shall be paid from funds collected pursuant to § 934.41.

REGULATIONS

§ 934.50 Marketing policy.

(a) Each season prior to making any recommendations pursuant to § 934.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of peaches within the production area;

(2) The expected general quality and size of peaches in the production area and in other areas;

(3) The expected demand conditions for peaches in different market outlets;

(4) The expected shipments of peaches produced in the production area and in areas outside the production area;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of peaches; and

(8) The type of regulations expected to be recommended during the season.

(b) In the event it becomes advisable, because of changes in the supply and demand situation for peaches, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report, including each revised marketing policy report, and copies thereof shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 934.51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of peaches in the manner provided in § 934.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for peaches during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 934.52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of peaches whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Limit, during any period or periods, the shipments of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of peaches grown in any district or districts of the production area;

(2) Limit the shipment of peaches by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of peaches.

(4) Prescribe requirements, as provided in this paragraph, applicable to exports of any variety of peaches which are different from those applicable to the handling of the same variety to other destinations.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to growers and handlers.

§ 934.53 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 934.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of peaches in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. On the same basis and in

like manner the Secretary may terminate any such modification or suspension. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such suspension.

§ 934.54 Special purpose shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 934.41, 934.52, 934.53, and 934.55, and the regulations issued thereunder, handle peaches (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to § 934.41, § 934.52, § 934.53, or § 934.55, the handling of peaches in such minimum quantities, in such types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 934.45), as the committee, with approval of the Secretary, may prescribe.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent peaches handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle peaches pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the peaches will not be used for any purpose not authorized by this section.

§ 934.55 Inspection and certification.

Whenever the handling of any variety of peaches is regulated pursuant to § 934.52 or § 934.53, each handler who handles peaches shall, prior thereto, cause such peaches to be inspected by the Federal or Federal-State Inspection Service, and certified by it as meeting the applicable requirements of such regulation: *Provided,* That inspection and certification shall be required for peaches which previously have been so inspected and certified only if such peaches have been regraded, resorted, repackaged, or in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such peaches. The committee may, with the approval of the Secretary, prescribe rules and regulations modifying the inspection requirements of this section as to time and place such inspection shall be performed whenever it is determined it would not be practical to perform the required inspection at a particular location: *Provided,* That all such shipments shall comply with all regulations in effect.

REPORTS

§ 934.60 Reports.

(a) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part. Such reports may include, but are not necessarily limited to, the following: (1) The quantities of each variety of peaches received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such peaches, and (4) the destination of each shipment of such peaches.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers are authorized, subject to the prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the peaches received, and of peaches disposed of, by such handler as may be necessary to verify reports pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 934.61 Compliance.

Except as provided in this part, no person shall handle peaches the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle peaches except in conformity with the provisions and the regulations issued under this part.

§ 934.62 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 934.63 Effective time.

The provisions of this part and of any amendments thereto shall become effective at such time as the Secretary may declare above his signature, and shall continue in force until terminated in one of the ways specified in § 934.64.

§ 934.64 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production area in the production of peaches for market in fresh form: *Provided,* That such majority has produced for market during such period more than 50 percent of the volume of peaches produced for fresh market in the production area; but such termination shall be effective only if announced on or before March 31 of the then current fiscal period.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 934.65 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 934.66 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this

part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 934.67 Duration of Immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.

§ 934.68 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 934.69 Derogation.

Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 934.70 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 934.71 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Order directing that referendum be conducted; designation of agents to conduct referendum; and determination of representative period. Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), it is hereby directed that a referendum be conducted among the producers who, during the period April 1, 1959, through March 31, 1960 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the Counties of Okanogan, Chelan, Kittitas, Yakima, and Klickitat in the State of Washington and all the counties in Washington lying east thereof, in the production of fresh peaches for market to ascertain whether such producers favor the issuance of an order regulating the handling of fresh peaches grown in the aforesaid production area, which order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith. Robert H. Eaton and Allen Henry, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary of Agriculture to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F.R. 5176; 19 F.R. 35).

Copies of the aforesaid annexed order, of the aforesaid referendum procedure, and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained from any referendum agent or appointee.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 15, 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60–3558; Filed, Apr. 19, 1960; 8:47 a.m.]

[7 CFR Parts 943, 982]

[Docket Nos. AO–231—A13, AO–238–A11]

MILK IN CENTRAL WEST TEXAS MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Central West Texas marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Dallas, Texas on February 17, 1960, pursuant to notice thereof which was issued February 10, 1960 (25 F.R. 1315).

The hearing, in addition to considering proposed amendments to the Central West Texas marketing order, also was concerned with proposals to amend the North Texas marketing order. This decision is confined to a consideration of the proposals with respect to the Central West Texas order. The proposals concerning the North Texas order will be dealt with in a later decision.

The material issues, other than those concerned with the North Texas order, on the record of the hearing relate to:

1. Revising the Class II price; and
2. Adding a provision on use of equivalent prices.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The Class II milk price should be the butter-powder formula price.

The present order provides that the price for Class II milk, for the months of April through June, should be the average price reported paid for ungraded milk of 4 percent butterfat content received from dairy farmers at three specified plants, and for other months, such price or the butter-powder formula price, whichever is higher.

Producers testified in favor of making the butter-powder formula price the Class II price on a year-round basis. No opposition testimony was given.

During the past several years, the amount of ungraded milk received by the three plants specified in the order has declined considerably. It appears that this downward trend in receipts of ungraded milk will continue and in the near future the quantities will be inadequate to afford a basis for pricing Class II milk. In anticipation of such circumstances, the Class II pricing provision should be modified.

The plants of handlers regulated under the Central West Texas order are primarily fluid milk plants and have little or no manufacturing facilities. Except for sporadic, small amounts of reserve milk which handlers depend upon the producers' association to handle and which generally are processed in its Cheddar cheese plant at Ballanger, Texas, handlers' use of reserve milk is in Class II products, which afford relatively high monetary returns, such as ice cream and cottage cheese. No reserve milk is shipped to any of the three manufacturing plants which presently are used as a basis for determining the Class II price during the months of April through June.

For the nine months, July through March, during the past three years, the butter-powder formula price has been the effective Class II price, except for the first two months of 1959.

It is concluded that the Class II price should be the butter-powder formula price for all months of the year. If such price had been in effect in 1959, it would have resulted in a decrease of 7 cents per

hundredweight during January and February, and an average increase of 11 cents per hundredweight during April through June. For the year as a whole, the increase in the Class II price would have been about 2 cents per hundredweight.

2. Proposal No. 6, providing for the use of equivalent prices should be adopted.

The class prices and butterfat differentials compiled by the market administrator are based on specified market quotations for milk or milk products. If for any reason one of the price quotations required by the order for computing class prices or for any other purpose is not available in the manner described, the market administrator should be authorized to use a price determined by the Secretary to be equivalent to the price which is required. This provision will facilitate the functioning and the administration of the order.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Central West Texas marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

§ 982.51 [Amendment]

1. Delete § 982.51(a) and substitute therefor the following:

(a) *Class II milk.* Subject to the provisions of § 982.52, the minimum price per hundredweight to be paid by each handler for milk received at his plant from producers and classified as Class II milk shall be the sum of the plus values computed as follows:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof and multiply by 4.0;

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and multiply by 0.96.

2. Add as § 982.54 the following:

§ 982.54 Use of equivalent prices.

If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Issued at Washington, D.C., this 15th day of April 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60-3559; Filed, Apr. 19, 1960; 8:47 a.m.]

[7 CFR Part 963]

[Docket No. AO-309-A2]

MILK IN GREAT BASIN MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at South Salt Lake Auditorium, 2490 South State Street, South Salt Lake, Utah, beginning at 10:00 a.m., local time, on May 10, 1960, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Great Basin marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Federated Milk Producers Association:

Proposal No. 1. Expand the Great Basin marketing area to include Elko, White Pine and Eureka Counties, Nevada.

Proposed by the Federated Milk Producers Association, Hi-Land Dairymen's Association and Weber Central Dairy Association:

Proposal No. 2. It is proposed that the order be amended so as to limit the quantity of milk that a co-operative may divert as producer milk to a non-pool plant. It is proposed that the use of the producer milk of all members of such a co-operative association shall be not less than the percentages of the fluid milk products which must be distributed on routes by pool plants pursuant to § 963.11(a) as amended by the order of February 24, 1960, effective March 1, 1960. Should a co-operative association divert milk so that their percentages became less than those required by § 963.11(a), that is to say, 50 percent of the fluid milk products disposed of on routes in the months of August through March, and 40 percent in the other months, then such diversions which resulted in lower percentages should not be producer milk under the order.

Proposal No. 3. It is proposed that § 963.8 "producer-handler" be amended to read as follows:

§ 963.8 Producer-handler.

"Producer-handler" means a person who meets each of the qualifications of paragraphs (a) through (e) of this section.

(a) Owns one or more dairy farms and the dairy cows thereon which are used for the production of milk.

(b) Operates an approved plant as described pursuant to § 963.10(a) at which no fluild milk product is received except milk produced on the farm(s) described pursuant to paragraph (a) of this section.

(c) The operation of the farm(s) described in paragraph (a) of this section and all milk production facilities thereon and the approved plant described in paragraph (b) of this section together with all the milk, processing, bottling and distributing facilities thereof are operated under the complete and exclusive control of such producer handler, and entirely at his own risk.

(d) The burden shall be upon the producer handler to maintain and make available to the market administrator adequate accounts and records to establish his qualifications pursuant to this section.

(e) No person may qualify as a producer handler if the approved plant operated by such person was a pool plant during any of the preceding twelve months due to failure to qualify pursuant to paragraphs (a) through (d) of this section.

Proposal No. 4. That §§ 963.61 and 963.62 should be amended so that where fluid milk products from plants regulated by another Federal order are distributed from such plants on routes in the Great Basin marketing area and such product is classified in the market of origin as other than Class I, that the handler should pay the difference between the value of the product under such order and its value under this order to the producer settlement fund of the Great Basin marketing area.

Proposal No. 5. That a basing program be added to the order regulating the handling of milk in the Great Basin area and proponents propose the following:

SECTION 1. Subject to the rules set forth in section 2, the market administrator shall determine bases for producers in the manner provided in paragraphs (a) and (b) of this section:

(a) Each producer shall have a daily base calculated by dividing the amount of producer milk delivered by such producer during the months of August through January by the number of days from the date of first delivery during such period to the end of the period, or 150, whichever is greater. The base so computed, which shall be recomputed each year, shall become effective on the first day of February next following and shall remain in effect through the month of January of the next succeeding year: *Provided,* That for any dairy farmer for whom information concerning deliveries during the base-earning period is available to the market administrator and who becomes a producer as a result of (1) the plant to which his milk was delivered during the base-earning period subsequently being qualified as a pool plant, or (2) cancellation of a producer-handler's designation as such, a daily base shall be computed pursuant to this paragraph.

(b) Any producer for whom a base cannot be calculated pursuant to paragraph (a) of this section or any producer who chooses to relinquish such base through advance notification to the market administrator shall have a monthly base computed by multiplying his deliveries to a handler(s) during the month by the appropriate monthly percentage in the following table, provided that neither such producer nor any member of his immediate family has transferred a base within the preceding twelve months:

January	60	July	55
February	60	August	65
March	60	September	65
April	55	October	65
May	45	November	65
June	50	December	65

SEC. 2. Base rules:

The following rules shall be observed in determination of base:

(a) A base may be transferred upon written notice to the market administrator on or before the last day of the month of transfer, but under the following circumstances only: If a producer who earned a base pursuant to section 1(a) sells, leases, or otherwise conveys his herd to another producer, the latter may receive the transferor's base, pursuant to the conveyance and utilize such base for the remainder of the period for which such base is effective pursuant to section 1(a), subject to the following conditions:

(1) Such base shall apply to deliveries of milk by the transferee-producer from the same farm only;

(2) If such conveyance takes place subsequent to August 1 of any year, all milk delivered to a handler(s) between August 1 and the last day of the period as specified in section 1(a), inclusive, from the same farm (whether by the transferor or transferee-producer) shall be utilized in computing the base of the transferee-producer pursuant to section 1(a);

(3) The burden shall be upon the transferee and transferor to establish to the satisfaction of the market administrator that the conveyance of the herd was bona fide and not for the purpose of evading any provision of this order; and

(4) Notwithstanding subparagraphs (1) and (2) of this paragraph but in compliance with subparagraph (3) of this paragraph.

(i) A base, whether earned pursuant to section 1(a) or received by transfer, may be transferred to a member of a baseholder's immediate family, and

(ii) In the case of a baseholder's death, a base earned pursuant to section 1(a) by the baseholder or by a member of his immediate family may be further transferred to another person: *Provided,* That for purposes of this subparagraph a transfer to an estate shall not be considered as a transfer to another person.

(b) A producer who ceases deliveries to a pool plant for more than 45 days shall lose his base if computed pursuant to section 1(a) and if he resumes deliveries to such a plant he shall be paid on a base determined pursuant to section 1(b) until he can establish a new base in the manner provided in section 1(a).

(c) By notifying the market administrator in writing on or before the 15th day of any month, a producer holding a base established pursuant to section 1(a) may relinquish such base by cancellation. Such producer's base shall be computed in the manner provided by section 1(b) and shall be effective from the first day of the month in which notice is received by the market administrator until the close of the period, pursuant to section 1(a), for which such base was computed.

(d) As soon as bases computed by the market administrator are allotted, notice of the amount of each producer's base shall be given by the market administrator to the handler receiving such producer's milk and the producer or the co-operative association of which the producer is a member.

(e) If a producer operates more than one farm he shall establish a separate base with respect to producer milk delivered from each such farm.

(f) Only producers as defined in § 963.7 may establish or earn a base pursuant to the provision of section I, and only one base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and/or equipment used are jointly owned or operated.

Appropriate amendments to §§ 963.71 and 963.80 should be made to provide for the payment of Class I utilization out of base milk and excess milk to be settled for at the Class II price.

Proposal No. 6. It is proposed that a new paragraph be added to the end of § 963.42 to read as follows:

(5) Where cream testing 30 percent or more butterfat is transferred in bulk form to a non-pool plant and said transfer meets all of the requirements of § 963.42(c) except that the transferee plant is farther than 225 miles from the City Hall in Salt Lake City, Utah, such cream may nevertheless be classified as Class II milk provided the plant is not more than 525 miles from the City Hall in Salt Lake City, Utah.

Proposal No. 7. Amend § 963.42(c) to provide that no fluid milk product shall be classified Class II pursuant to this paragraph except to the extent that the receipts at the non-pool plant of milk from its own regular Grade A dairy farmers plus fluid milk products transferred or diverted from pool plants exceed the Class I disposition of the non-pool plant.

Proposal No. 8. It is proposed that § 963.11(a) as amended, be amended by striking "§ 963.10(b)" and substituting therefor, "§ 963.11(b)".

Proposal No. 9. It is proposed that there be deleted from § 963.15 the following words: "except frozen cream".

Proposal No. 10. It is proposed that § 963.41(b)(5) be stricken and that there be substituted therefor:

(5) In shrinkage of skim milk and butterfat allocated pursuant to § 963.45 (b)(2) not to exceed the following: Two percent of skim milk and butterfat, respectively, in producer milk (except milk diverted to a nonpool plant) and any milk received from a cooperative association which is the handler for such milk pursuant to § 963.9(c) plus 1½ percent of skim milk and butterfat, respectively, received in the form of fluid milk products from other handlers in bulk tank lots less 1½ percent of the skim milk

and butterfat, respectively, disposed of in the form of fluid milk products in bulk tank lots to pool plants of other handlers.

Proposal No. 11. It is proposed that § 963.41 be amended by striking therefrom paragraph (b)(7).

Proposal No. 12. It is proposed that § 963.80 be amended to provide that one-half of the amount payable under said section should be paid on the first day of the month preceding the payment date. This should be an estimated amount subject to adjustment upon the balance being paid on the 17th day of the month. The estimate should be, as to producers who shipped during the preceding month, one-half of the amount paid such producers during the preceding month less authorized deduction. As to a new producer, it should be one-half of the amount which will be due the producer figured upon shipments made during the first 15 days of the preceeding month calculated at the blend price for the preceding month less authorized deductions.

Proposed by the National Cheese Company, Chicago, Illinois:

Proposal No. 13. That sour cream manufactured from milk subject to the pricing and pooling of Chicago marketing order No. 41, be allocated to Class I at pool plants under Order No. 63, where such sour cream is received, handled and distributed in the same consumer or institutional size packages in which it is received.

Proposed by the Beatrice Foods Company:

Proposal No. 14. Amend § 963.44 allocation of skim milk and butterfat at pool plants by inserting as section (a)(2) the following: "Subtract from the total pounds of skim milk in Class I milk the pounds of skim milk that were received in the form of fluid milk products in containers not larger than a gallon that are subject to the Class I pricing (or its equivalent provisions of another order issued pursuant to the Act and that are disposed of as Class I in the same form as received." Renumber subsections 2 through 8 as sub-sections 3 through 9 respectively.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 15. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 1935 South Main Street, Suite 339, Salt Lake City, Utah, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 15th day of April 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60-3560; Filed, Apr. 19, 1960; 8:47 a.m.]

[7 CFR Part 980]

[Docket No. AO-301-A1]

MILK IN WESTERN COLORADO MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Civic Auditorium, City Hall, Grand Junction, Colorado, beginning at 10:00 a.m., local time, on May 16, 1960, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Western Colorado marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Western Colorado Milk Producers Association:

Proposal No. 1. Revise § 980.41 to read as follows:

§ 980.41 *Classes of utilization.*

Subject to the conditions set forth in §§ 980.43 and 980.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of in the form of fluid milk products except those classified pursuant to paragraph (b)(2) and (3) of this section, or (2) not specifically accounted for as Class II utilization.

(b) Class II milk shall be all skim milk and butterfat: (1) Used to produce any product other than a fluid milk product; (2) accounted for as livestock feed; (3) in skim milk dumped after prior notification to and opportunity for verification by the market administrator; (4) in inventory of fluid milk products on hand at the end of the month; (5) in shrinkage not to exceed two percent of skim milk and butterfat received directly from producers; and (6) in shrinkage of other source milk.

Proposal No. 2. Revise § 980.51 to read as follows:

§ 980.51 Class prices.

Subject to the provisions of §§ 980.52 and 980.53 the minimum prices per hundredweight to be paid by each handler for milk received at his fluid milk plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price for the preceding month plus $2.05.

(b) *Class II milk.* The basic formula price for the current month.

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from the hearing on the foregoing proposals.

Copies of this notice of hearing and the order may be procured from the market administrator, P.O. Box 226, Amarillo, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 15th day of April 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60-3561; Filed, Apr. 19, 1960; 8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 514]

[Reg. Docket No. 346]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

Electric Tachometer; Magnetic Drag

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 514 of the regulations of the Administrator by adopting a new Technical Standard Order.

This Technical Standard Order will amend § 514.48 (22 F.R. 7302) which establishes minimum performance standards for electric tachometers used in civil aircraft of the United States, by incorporating a more recent industry standard and adding quality control requirements.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before June 6, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. The proposal will not be given further publication as a draft release.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By amending § 514.48 as follows:

§ 514.48 Electric tachometer; magnetic drag (for air carrier aircraft)—TSO–C49a.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for electric tachometers which specifically are required to be approved for use on civil aircraft of the United States. New models of electric tachometers manufactured for installation on civil aircraft on or after the effective date of this section shall meet the standards set forth in SAE Aeronautical Standard AS–404B, "Electric Tachometer: Magnetic Drag (Indicator and Generator)," dated February 1, 1959 [1] with exceptions, additions, and substitutions to the standards listed in subparagraph (2) of this paragraph.[2] Electric tachometers approved by the Administrator prior to the effective date of this section may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* (i) The following specifically numbered parts in AS–404B do not concern minimum performance and therefore are not essential to compliance with this section: Parts 3.1, 3.1.1. 3.1.2., 3.2, 3.2(a) (b) (c) (d) (e) (f), 4.1.3.1, 4.1.3.2, 4.1.3.3, 4.1.3.4, and 4.1.3.5.

(ii) In lieu of part 7. in AS–404B, it is a requirement that tachometers covered by this section be capable of successfully passing the tests in parts 7.1 through 7.8.

(b) *Marking.* In addition to the markings specified in § 514.3, range and rating shall be shown.

(c) *Data requirements.* (1) The manufacturer shall maintain a current file of complete design data.

(2) The manufacturer shall maintain a current file of complete data describing the inspection and test procedures applicable to his product. (See paragraph (d) of this section.)

(3) Six copies each of the following shall be furnished to the Chief, Engineering and Manufacturing Division, Bureau of Flight Standards, Federal Aviation Agency, Washington 25, D.C.

(i) Manufacturer's operating instructions and instrument limitations.

(ii) Drawing or photograph showing exploded view of instruments.

(iii) Installation procedures with applicable schematic drawings, wiring diagrams, and specifications. Indicate any limitations, restrictions, or other conditions pertinent to installation.

(d) *Quality control.* Each electric tachometer shall be produced under a quality control system, established by the manufacturer, which will assure that each tachometer is in conformity with the requirements of this section and is in condition for safe operation. This system shall be described in the data required under paragraph (c) (2) of this section. A representative of the Administrator shall be permitted to make such inspections and tests at the manufacturer's facility as may be necessary to determine compliance with the requirements of this section.

Issued in Washington, D.C., on April 14, 1960.

OSCAR BAKKE,
Director,
Bureau of Flight Standards.

[F.R. Doc. 60–3528; Filed, Apr. 19, 1960; 8:45 a.m.]

[1] Copies may be obtained from the Society of Automotive Engineers, 485 Lexington Avenue, New York 17, New York.

[2] When electric tachometers are installed on civil aircraft, the installation must comply with the functional and installational requirements of Parts 3, 4b, 6, or 7 of the Civil Air Regulations as applicable.

[14 CFR Part 601]

[Airspace Docket No. 60–AN–4]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and § 601.1984 of the regulations of the Administrator, the substance of which is stated below.

The Annette Island, Alaska, contol zone is presently designated within a 5-mile radius of the Annette Island Airport. The Federal Aviation Agency is considering modifying this control zone by designating a 12-mile extension to the north based on the north course of the Annette Island radio range and a 12-mile extension to the south based on the south course of the radio range. This modification would provide protection for aircraft conducting instrument approaches to the Annette Island Airport.

If this action is taken, the Annette Island, Alaska, control zone would be designated within a 5-mile radius of the Annette Island Airport (latitude 55°02' 30'' N., longitude 131°34'05'' W.); within 2 miles either side of the north course of the Annette Island radio range extending from the 5-mile radius zone to a point 12 miles north of the radio range; and within 2 miles either side of the south course of the Annette Island radio range extending from the 5-mile radius zone to a point 12 miles south of the radio range. Section 601.1984, relating to 5-mile radius zones, would be amended to delete "Annette Island, Alaska: Annette Island Airport."

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on April 13, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60–3529; Filed, Apr. 19, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60–NY–1]

CONTROL ZONES

Designation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a control zone at Fort Eustis, Va., within a 5-mile radius of the Felker Army Air Field, excluding the portion which would coincide with the Newport News, Va., control zone (§ 601.2136). Designation of this control zone would provide protection for aircraft conducting IFR approaches and departures at the Felker Army Air Field.

If this action is taken, the Fort Eustis, Va., control zone would be designated within a 5-mile radius of the Felker Army Air Field (latitude 37°07'55'' N., longitude 76°36'30'' W.) excluding that portion which would coincide with the Newport News, Va., control zone.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during

such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on April 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-3530; Filed, Apr. 19, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-WA-85]

CONTROL ZONES

Designation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a control zone at Toledo, Ohio, within a 5-mile radius of the Toledo Municipal Airport and within 2 miles either side of the north course of the Toledo radio range extending from the 5-mile radius zone to the radio range station. Designation of this control zone would provide protection for aircraft conducting IFR approaches and departures at the Toledo Municipal Airport.

If this action is taken, the Toledo, Ohio, control zone would be designated within a 5-mile radius of the Toledo Municipal Airport (latitude 41°33'50" N., longitude 83°28'49" W.), and within 2 miles either side of the north course of the Toledo radio range extending from the 5-mile radius zone to the radio range station.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on April 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-3531; Filed, Apr. 19, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-AN-5]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and § 601.1984 of the regulations of the Administrator, the substance of which is stated below.

The Big Delta, Alaska, control zone is presently designated within a 5-mile radius of the Big Delta Airport. The Federal Aviation Agency has under consideration the modification of this control zone by designating a control zone extension within 2 miles either side of the northwest course of the Big Delta radio range extending from the 5-mile radius zone to a point 12 miles northwest of the radio range. This modification would provide protection for aircraft executing prescribed instrument approaches to the Big Delta Airport, utilizing the Big Delta radio range.

If this action is taken, the Big Delta, Alaska, control zone would be designated as within a 5-mile radius of the geographic center (latitude 63°59'45" N., longitude 145°43'00" W.) of the Big Delta, Alaska, Airport, and within 2 miles either side of the northwest course of the Big Delta radio range extending from the 5-mile radius zone to a point 12 miles northwest of the radio range. Section 601.1984, relating to 5-mile radius zones, would be amended to delete "Big Delta, Alaska: Big Delta Airport."

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on April 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-3532; Filed, Apr. 19, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-FW-21]

CONTROL ZONES

Designation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency is considering designation of a control zone at Esler Field, Alexandria, La., within a 5-mile radius of Esler Field with a ¾-mile extension to the southeast based on the 327° True bearing from the Esler radio beacon located at latitude 31°19'30" N., longitude 92°14'35" W. Designation of this control zone would provide protection for aircraft conducting IFR approaches and departures at Esler Field.

If this action is taken, Esler Field, Alexandria, La., control zone would be designated within a 5-mile radius of the geographical center of Esler Field (latitude 31°23'45" N., longitude 92°17'35" W.) and within 2 miles either side of the 327° True bearing from the Esler Field radio beacon, extending from the 5-mile radius zone to the Esler Field radio beacon.

Interested persons may submit such written data, views or arguments as they

may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on April 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-3533; Filed, Apr. 19, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-AN-3]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601, and § 601.1984 of the regulations of the Administrator, the substance of which is stated below.

The Aniak, Alaska control zone is presently designated within a 5-mile radius of the Aniak Airport. The Federal Aviation Agency has under consideration the modification of the Aniak control zone by adding an extension within two miles either side of the southwest course of the Aniak radio range extending from the 5-mile radius zone to a point 12 miles southwest of the radio range. Addition of this control zone extension would provide protection for aircraft conducting prescribed standard instrument approach procedures based on the southwest course of the Aniak radio range.

If this action is taken, the Aniak, Alaska, control zone would be designated within a 5-mile radius of the Aniak Airport (latitude 61°34'50" N., longitude 159°32'15" W.) and within 2 miles either side of the southwest course of the Aniak radio range extending from the 5-mile radius zone to a point 12 miles southwest of the radio range. Section 601.1984, relating to 5-mile radius zones, would be amended to delete "Aniak, Alaska: Aniak Airport."

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on April 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-3534; Filed, Apr. 19, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-AN-7]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 and § 601.1984 of the regulations of the Administrator, the substance of which is stated below.

The Gulkana, Alaska, control zone is presently designated within a 5-mile radius of the Gulkana Airport. The Federal Aviation Agency is considering modifying this control zone by designating an extension within 2 miles either side of the north course of the Gulkana radio range extending from the 5-mile radius zone to a point 12 miles north of the radio range. This modification would provide protection for aircraft executing instrument approaches to the Gulkana Airport, based on the Gulkana radio range.

If this action is taken, the Gulkana, Alaska, control zone would be designated within a 5-mile radius of the geographical center (latitude 62°09'20" N., longitude 145°27'15" W.), of the Gulkana, Alaska, Airport and within 2 miles either side of the north course of the Gulkana radio range extending from the 5-mile radius zone to a point 12 miles north of the radio range. Section 601.1984, relating to 5-mile radius zones, would be amended to delete "Gulkana Alaska: Gulkana Airport."

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 440, Anchorage, Alaska. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on April 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-3535; Filed, Apr. 19, 1960; 8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-NY-17]

CONTROL ZONES

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2233 of the

regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration modification of the Quonset Point, R.I., control zone. The Quonset Point control zone is presently designated within a 5-mile radius of the Naval Air Station excluding the portion which lies within the Providence, R.I., control zone. It is proposed to designate extensions to the existing control zone based on the 146° True radial of the Navy Quonset VOR extending from the VOR to a point 12 miles southeast and on the 150° True radial of the Navy Quonset TACAN extending from the TACAN to a point 9 miles southeast. This modification would provide protection for aircraft conducting instrument approaches to the Quonset Point, NAS during instrument flight rule conditions.

If this action is taken, the Quonset Point, R.I., control zone would be redesignated within a 5-mile radius of the Quonset Point NAS (latitude 41°35'55" N., longitude 71°24'50" W.); within 2 miles either side of the 146° True radial of the Navy Quonset VOR, extending from the VOR to a point 12 miles southeast; within 2 miles either side of the 150° True radial of the Navy Quonset TACAN, extending from the TACAN to a point 9 miles southeast, excluding that portion which coincides with the Providence, R.I., control zone.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on April 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-3536; Filed, Apr. 19, 1960; 8:46 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-NY-60]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Modification of Federal Airways, Control Areas and Designation of Reporting Points

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6139, 600.6239, 600.6029, 601.6139, 601.6239, 601.6029 and 601.7001 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 139 presently extends, in part, from Mastic, N.Y., to Hampton, N.Y. VOR Federal airway No. 239 presently extends, in part, from Wildwood, N.J., to Woodstown, N.J. VOR Federal airway No. 29 presently extends, in part, from Chincoteague, Va., to Salisbury, Md. The Federal Aviation Agency has under consideration modification of Victor 139 by designating a segment from Cape Charles, Va., to a VOR to be installed approximately October 1, 1960, near Sea Isle, N.J., at latitude 39°05'43" N., longitude 74°48'05" W., via a VOR to be installed approximately October 1, 1960, near Snow Hill, Md., at latitude 38°03'24" N., longitude 75°27'53" W. This is a part of a plan to increase air traffic flow capabilities along the eastern seaboard to accommodate the high volume of air traffic operating between southern terminals and the New York City terminal area. The Federal Aviation Agency is also considering modification of the segment of Victor 239 from Wildwood to Woodstown by realigning it to start at the proposed Sea Isle VOR thence direct to the Woodstown VOR. In addition, it is proposed to modify the segment of Victor 29 from Chincoteague to Salisbury by realigning it from the proposed Snow Hill VOR direct to the Salisbury VOR. These modifications to Victor 239 and Victor 29 would permit aircraft to transition from the proposed coastal airway (Victor 139) between Cape Charles and Sea Isle into the Philadelphia terminal area. Concurrently, it is proposed to amend § 601.7001 by adding Snow Hill, Md., VOR and Sea Isle, N.J., VOR as designated reporting points.

If these actions are taken, a segment of VOR Federal airway No. 139 and its associated control areas would be designated from Cape Charles, Va., via Snow Hill, Md., to Sea Isle, N.J. The initial segment of VOR Federal airway No. 239 from Wildwood, N.J., to Woodstown and the associated control areas would be redesignated to begin at Sea Isle, N.J., thence direct to Woodstown, N.J. The initial segment of VOR Federal airway No. 29 and its associated control areas from Chincoteague, Va., to Salisbury, Md., would be redesignated to begin at Snow Hill, Md., thence direct to Salisbury, Md. The Sea Isle, N.J., VOR and the Snow Hill, Md., VOR would be designated as reporting points.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on April 13, 1960.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 60-3537; Filed, Apr. 19, 1960; 8:46 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Notice of Filing of Petition for Establishment of Tolerances for Residues of 2,3-*p*-Dioxanedithiol-*S*,*S*-bis(*O*,*O*-Diethylphosphorodithioate)

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec.

408(d)(1), 68 Stat. 512; 21 U.S.C. 346a (d)(1)), the following notice is issued:

A petition has been filed by Hercules Powder Company, Wilmington 99, Delaware, proposing the establishment of tolerances for residues of 2,3-*p*-dioxanedithiol - *S,S* - bis(*O,O*-diethylphosphorodithioate) in or on raw agricultural commodities, as follows:

1. 2.1 parts per million in or on grapes.

2. 1 part per million in the fat of meat from cattle, goats, hogs, and sheep.

The analytical method proposed in the petition for determining residues of 2,3-*p*-dioxanedithiol-*S,S*-bis (*O,O*-diethylphosphorodithioate) is the method of C. L. Dunn reported in the Journal of Agricultural and Food Chemistry, Volume 6, pages 203–209 (March 1958).

Dated: April 13, 1960.

[SEAL] ROBERT S. ROE,
Director, Bureau of Biological and Physical Sciences.

[F.R. Doc. 60–3562; Filed, Apr. 19, 1960; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 10]

[Docket No. 13475; FCC 60–405]

ASSIGNMENT OF SPECIAL EMERGENCY SPLIT CHANNELS WITHOUT SHOWING OF CO-CHANNEL COORDINATION

Notice of Proposed Rule Making

1. Notice is hereby given of proposed rule making in the above-captioned procedure.

2. This matter is before the Commission as a result of a request for waiver filed by Dr. Charles A. Baldwin, d/b as Lakevue Animal Clinic, P.O. Box 851, Lake City, Florida. Dr. Baldwin submitted an application for authority to operate one base and two mobile units in the Special Emergency Radio Service on the frequency 46.00 Mc.

3. This frequency appears in § 10.462 (e) of the Commission's rules in the table of frequencies available to Special Emergency Radio systems. However, use of this frequency is conditioned on compliance with the provision of § 10.462 (f)(15) which states in part: "Available for assignment: *Provided,* That prior to November 1, 1963, application is accompanied by a statement under oath that the licensees of all stations located within a radius of 75 miles of the proposed location and authorized to operate on a frequency 30 kc or less removed have concurred with such assignment * * *".

4. This frequency coordination requirement was imposed by the Commission as a result of its "split-channel" proceedings. It applies to all "split" frequencies in the 25–50 Mc and 152–162 Mc bands and thus includes four frequencies allocated to the Special Emergency Radio Service: 45.92 Mc, 45.96 Mc, 46.00 Mc, and 46.04 Mc. The purpose of this requirement is to provide protection to existing users until November 1, 1963, at which time all licensees will be required to comply with the new narrowband technical standards in full, thus rendering this stringent protection unnecessary.

5. The applicant has met the conditions of § 10.462(f)(15) except with respect to co-channel coordination, i.e., on the frequency 46.00 Mc. It is from this requirement that he seeks waiver. He points out that on all other frequencies available to Special Emergency applicants, no frequency coordination is required. Licensees on these frequencies share in their use and no geographical or frequency protection is afforded. This is in contrast to the other Public Safety Radio Services where, de minimis, coordination under § 10.8 of the rules is mandatory. Hence, it is the petitioner's contention that existing Special Emergency licensees on the four frequencies mentioned above should not be given protection in excess of that given to those operating on all remaining Special Emergency frequencies.

6. The Commission is of the opinion that the petitioner's argument has merit. To lift the requirement that such co-channel coordination must be effected will bring Special Emergency licensees into parity. Conversely, retention of the requirement that applicants for these frequencies must still coordinate with users within 75 miles and within ±30 kc, but not including co-channel users, will continue to give existing stations on these adjacent frequencies adequate protection. Since it would appear logical that this change should apply to all four of the frequencies which now have this condition attached, the proper mode of correction should be by a notice of proposed rule making to amend the rule rather than a mere waiver thereof.

7. The amendment proposed below is issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

8. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein may file with the Commission on or before June 1, 1960, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

Adopted: April 13, 1960.

Released: April 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Part 10 of the Commission's rules is amended as follows:

Section 10.462(f)(15) is amended to read as follows:

§ 10.462 Frequencies available to the Special Emergency Radio Service.

* * * * *

(f) * * *

(15) Available for assignment: *Provided,* That prior to November 1, 1963, application is accompanied by a statement under oath that the licensees of all stations located within a radius of 75 miles of the proposed location and authorized to operate on a frequency 30 kc or less removed, except those authorized to operate on the frequency requested, have concurred with such assignment or is accompanied by an acceptable engineering report indicating that harmful interference to the operation of existing stations will not be caused.

[F.R. Doc. 60–3589; Filed, Apr. 19, 1960; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55104]

PRODUCTS OF SOVIET ZONE OF GERMANY; THE SOVIET SECTOR OF BERLIN; OR OF POLAND

Marking of Country of Origin

Articles manufactured or produced in the Soviet Zone of Germany or in the Soviet Sector of Berlin shall be marked under the provisions of section 304, Tariff Act of 1930, as amended, to indicate to the ultimate purchaser the English name of the country of origin by the legend "Germany (Soviet Occupied)."

The parenthetical words may be substituted with "Union of Soviet Socialist Republics" or "U.S.S.R." or "U.S.S.R. (Russia)" or "Soviet Russia" or "Soviet Union" or any other wording which is acceptable for marking purposes under section 304, Tariff Act of 1930, as amended, for products of Russia.

Articles manufactured or produced in Poland, in an area under the provisional administration of Poland immediately east of the Oder-Neisse line and in East Prussia, or in the former Free City of Danzig shall be marked under the provisions of section 304, Tariff Act of 1930, as amended, to indicate Poland as the "country of origin."

Articles manufactured or produced in the area in East Prussia under the provisional administration of the Soviet Union shall be marked under the provisions of section 304, Tariff Act of 1930, as amended, to indicate the Union of Soviet Socialist Republics as the "country of origin."

This regulation shall supersede the instructions in Treasury Decisions 53210 and 53281/3 insofar as the marking under section 304, Tariff Act of 1930, as amended, of articles manufactured or produced in the places indicated is concerned. (19 U.S.C. 1304, 1624.)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: April 13, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-3575; Filed, Apr. 19, 1960; 8:49 a.m.]

Office of the Secretary

[AA 643.3]

SHOEBOARD FROM GERMANY

Determination of No Sales at Less Than Fair Value

APRIL 13, 1960.

A complaint was received that shoeboard from Germany was being sold in the United States at less than fair value within the meaning of the Antidumping Act of 1921.

I hereby determine that shoeboard from Germany is not being, nor is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

Statement of reasons. The various types of shoeboard exported to the United States are sold for home consumption in Germany in substantial quantities. Sales to the United States are arm's-length transactions. Accordingly home market price was compared with purchase price.

In calculating home market price, adjustments were made for inland freight, commission, trade discount, and turnover tax.

In calculating purchase price, adjustments were made for inland and ocean freight, marine insurance, commission, trade discount, and taxes rebated on export.

It was found that purchase price was not lower than home market price except with respect to sales of one type of shoeboard by one manufacturer. Because of changes in the pricing structure of this manufacturer, there have been no sales at less than home market price since October 1, 1959. The quantity of merchandise sold at less than home market price and the margin of difference were deemed not more than insignificant.

This determination and the statement of reasons therefor are published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-3576; Filed, Apr. 19, 1960; 8:49 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

LOUISIANA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in St. Landry Parish, Louisiana, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named parish after June 30, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 15th day of April 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-3586; Filed, Apr. 19, 1960; 8:50 a.m.]

SOUTH DAKOTA

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of South Dakota a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

SOUTH DAKOTA

Clay. Union.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1960, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 15th day of April 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-3587; Filed, Apr. 19, 1960; 8:50 a.m.]

KANSAS AND SOUTH DAKOTA

Designation of Counties Within Great Plains Area of Ten Great Plains States Where Great Plains Conservation Program is Specifically Applicable

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115-1117), the following counties of the following States are designated as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors.

KANSAS

Jewell.

SOUTH DAKOTA

Dewey.	Potter.
Pennington.	Shannon.

Done at Washington, D.C., this 14th day of April 1960.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F.R. Doc. 60-3588; Filed, Apr. 19, 1960; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 869]

PACIFIC COAST-HAWAII AND ATLANTIC/GULF-HAWAII; GENERAL INCREASES IN RATES

Notice of Supplemental Orders

Notice is hereby given that the Federal Maritime Board has entered, on the dates indicated, the following Twenty-Seventh and Twenty-Eighth Supplemental Orders to the original order in this proceeding, dated September 10, 1959, which appeared in the FEDERAL REGISTER of September 23, 1959 (24 F.R. 7656):

Twenty-Seventh Supplemental Order, dated March 31, 1960:

It appearing that by the Original Order in Docket No. 869 served September 11, 1959, the Board instituted an investigation into and concerning the reasonableness and lawfulness of the rates, charges, regulations, and practices stated in certain schedules between Pacific Coast ports and Hawaii as well as from Hawaii to North Atlantic ports, effective September 14, 1959;

It further appearing that said Original Order, as amended January 7, 1960, provides in part that no change shall be made in rates or other matters which were changed by said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It further appearing that pursuant to special permission authority granted subsequent to September 14, 1959, Matson rolled-back the rates on certain items appearing in its FMB–F Nos. 87, 91, 97 and 105 to the level in effect prior to the September 14 general increase; and

It further appearing that on March 7, 1960, Matson Navigation Company filed Special Permission Application No. 56 seeking authority to publish, post, and file, on thirty days' notice, certain consecutively numbered revised pages to FMB–F Nos. 97 and 105, and consecutively numbered supplements to FMB–F Nos. 87 and 91, in order to restore the 12½ percent increase on the following rate items:

FMB–F No. 87

(1) Item 135–A currently naming a rate of $21.25 W/M on "Automobiles, Trailers other than house trailers, Chassis, Buses, Trolley Buses, or automobile trucks, including self-propelled lift or fork trucks, boxed or set up unboxed."

(2) Item 516–A currently naming a rate of $15.30 W/M on "Household Goods or Personal Effects, N.O.S., used, not new, released to valuation of 10¢ per pound, packed in containers or lift vans, exceeding 220 cubic feet each, suitable for mechanical fork lift handling and which may be transported on deck, charges prepaid or guaranteed."

(3) Item 635–B currently naming a rate of $19.60 per 2,000 lbs. on "Pineapple, canned or preserved (not cold pack or frozen) including juice or concentrates, in glass or metal cans in boxes. From Hawaiian Island Ports of Call."

(4) Item 820–A currently naming a rate of $0.025 per lb. on "Pineapple, Pineapple Juice, or Pineapple Juice Concentrate, under refrigeration."

Amend Rule 30(c) accordingly.

FMB–F No. 91

(1) Item 5–G currently naming a rate of $16.70 per 2,000 lbs. on "canned or Preserved Foodstuffs (other than fresh or frozen), viz, pineapple, papaya, guava, passion fruit, or tropical fruit, N.O.S., including juices, jams or jellies, in glass or metal cans, in boxes; or in metal cans, loose; or in bulk in barrels or drums, strapped or otherwise securely fastened together in unbroken units on pallets acceptable to the Carrier for stowage and safe handling from Hawaiian Island Ports of Call."

(2) Item 15–B currently naming a rate of $16.70 per 2,000 lbs. on "Foodstuffs or Preparations, (not carried under refrigeration), viz: fruits, fruit juices or fruit juice concentrates, in metal cans in cartons; or in metal cans loose; or in bulk in cartons, barrels or drums packed in completely closed insulated container vans, acceptable to the Carrier for mechanical handling and safe loading, from Hawaiian Islands Ports of Call."

(3) Item 10–F currently naming a rate of $19.00 per 2,000 lbs. on "Wall Board or Insulating Board, cane fibre on wood pulp or combined with other fibres; impregnated, surface coated or plain, grooved, indented, beveled, slotted or tongued, in flat sheets, shapes or forms, strapped or otherwise securely fastened together in unbroken unitized loads on pallets or platforms acceptable to the Carrier for stowage and safe handling, from Hawaiian Island Ports of Call."

Extend the expiration dates of the above Items 5–G and 10F from April 30 to December 30, 1960.

FMB–F No. 105

(1) Item 5 currently naming a rate of $36.79 per 2,000 lbs. on "Canned or Preserved Foodstuff, under refrigeration, viz: Fruit N.O.S., including Juice or Concentrates, in Glass, Earthenware, or metal cans in boxes, or in bulk in barrels or drums, or frozen in cartons."

(2) Item 10 currently naming a rate of $21.21 per 40 cu. ft. on, "Automobiles, Trailers, other than house trailers, Chassis, Buses, Trolley Busses, or automobile trucks including self-propelled lift or fork trucks, boxed or set up unboxed."

FMB–F No. 97

(1) Items 336 and 341 currently naming a series of container rates on "Pineapple, canned or preserved (not cold pack or frozen) including juice or concentrates, in glass or metal cans in boxes."

Cancel Note C accordingly.

(2) Items 346 and 351 currently naming a series of container rates on "Pineapple, canned, or preserved (not cold pack or frozen) including juice or concentrates, in glass or metal cans in boxes; or in metal cans, loose; or in bulk in barrels or drums, strapped or otherwise securely fastened together in unbroken units on pallets."

Cancel Note B accordingly.

It further appearing that the Board having found good cause therefor has on March 31, 1960, granted special permission to publish such changes on not less than 30 days' notice under Special Permission No. 3821; such special permission to be without prejudice to the right of the Board to suspend such schedules within the notice period, either upon receipt of protest thereto or upon its own motion;

It is ordered, That the Original Order herein is modified to the extent necessary to permit the publication and filing of the changes covered by such Special Permission No. 3821; and

It is further ordered, That copies of this Order shall be filed with said tariff schedules in the Office of the Federal Maritime Board; and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents herein, and upon all protestants herein; and that this order be published in the FEDERAL REGISTER.

Twenty-Eighth Supplemental Order, dated April 4, 1960:

It appearing that by the Original Order in Docket No. 869 served September 11, 1959, the Board instituted an investigation into and concerning the reasonableness and lawfulness of the rates, charges, regulations, and practices stated in certain schedules between Pacific Coast ports and Hawaii, as well as between North Atlantic ports and Hawaii; and

It further appearing that said Original Order, as amended January 7, 1960, provides in part that no change shall be made in rates or other matters which were changed by said tariff schedules, until this investigation has been terminated by final order of the Board, unless otherwise authorized by special permission of the Board; and

It further appearing that on March 11, 1960, Matson Navigation Company filed Special Permission Application No. 59 seeking authority to publish, post and file on 30 days' notice, Container Freight Tariff No. 11–A, F.M.B.–F. No. 109, which shall direct the cancellation of Container Freight Tariff No. 11, F.M.B.–F. No. 97; and also to publish, post and file Supplement No. 1 to Freight Tariff No. 13, F.M.B.–F. No. 106, which shall direct the cancellation of said tariff;

It further appearing that the Board having found good cause therefor has on April 4, 1960, granted special permission to publish such changes on not less than 30 days' notice under Special Permission No. 3822; such special permission to be without prejudice to the right of the Board to suspend such schedules within the notice period, either upon receipt of protest thereto or upon its own motion.

It is ordered, That the Original Order herein is modified to the extent necessary to permit the publication and filing of the change covered by such Special Permission No. 3822; and

It is further ordered, That any rates, charges, regulations and practices set forth in the schedules filed pursuant to such special permission shall be subject to the investigation and hearing herein to the same extent as the rates, charges, regulations and practices under schedules cancelled thereby, and that the special permission granted hereby shall be without prejudice to the Board's determination as to the lawfulness of the rates established pursuant hereto; and

It is further ordered, That copies of this Order shall be filed with said tariff schedules in the Office of the Federal Maritime Board, and

It is further ordered, That a copy of this order shall be forthwith served upon all respondents herein, and upon all

protestants herein; and that this order be published in the FEDERAL REGISTER.

Dated: April 15, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-3567; Filed, Apr. 19, 1960; 8:48 a.m.]

J. W. ALLEN & CO., INC., AND H. E. SCHURIG & CO., INC.

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement No. 8451, between J. W. Allen & Co., Inc., New Orleans, La. and H. E. Schurig & Company, Inc., Houston, Tex., is a cooperative working arrangement under which the parties will perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D.C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 15, 1960.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F.R. Doc. 60-3568; Filed, Apr. 19, 1960; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

JAMES S. BROADDUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 30, 1960.

Dated: March 30, 1960.

JAMES S. BROADDUS.

[F.R. Doc. 60-3543; Filed, Apr. 19, 1960; 8:46 a.m.]

JAMES H. CAMPBELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Consumers Power Company; Atomic Power Development Associates, Inc.; Power Reactor Development Corporation.
(2) None.
(3) None.
(4) None.

Dated: March 30, 1960.

JAMES H. CAMPBELL.

[F.R. Doc. 60-3544; Filed, Apr. 19, 1960; 8:46 a.m.]

ARTHUR E. CASE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

A. Deletions: None.
B. Additions: None.

This statement is made as of March 30, 1960.

Dated: March 30, 1960.

ARTHUR E. CASE.

[F.R. Doc. 60-3545; Filed, Apr. 19, 1960; 8:46 a.m.]

CHARLES M. CUSTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 31, 1960.

Dated: March 31, 1960.

CHARLES M. CUSTER.

[F.R. Doc. 60-3546; Filed, Apr. 19, 1960; 8:46 a.m.]

JOHN W. HIERONYMUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Deletions: None.
(2) Additions: None.

This statement is made as of March 31, 1960.

Dated: March 31, 1960.

JOHN W. HIERONYMUS.

[F.R. Doc. 60-3547; Filed, Apr. 19, 1960; 8:47 a.m.]

K. M. IRWIN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 25, 1960.

Dated: March 28, 1960.

K. M. IRWIN.

[F.R. Doc. 60-3548; Filed, Apr. 19, 1960; 8:47 a.m.]

H. G. KEESLING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of March 31, 1960.

Dated: March 31, 1960.

H. G. KEESLING.

[F.R. Doc. 60-3549; Filed, Apr. 19, 1960; 8:47 a.m.]

H. W. OETINGER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) No changes.
(3) None.
(4) None.

This statement is made as of April 1, 1960.

Dated: March 30, 1960.

H. W. OETINGER.

[F.R. Doc. 60-3550; Filed, Apr. 19, 1960; 8:47 a.m.]

GEORGE A. PORTER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No changes.
(2) Deletions: Brooks & Perkins, Hayes Industries, Inc., North American Coal Co. Additions: Studebaker-Packard Corp.
(3) No changes.
(4) No changes.

This statement is made as of March 29, 1960.

Dated: March 29, 1960.

GEORGE A. PORTER.

[F.R. Doc. 60-3551; Filed, Apr. 19, 1960; 8:47 a.m.]

EDWARD W. WELCH

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

My entire financial assets consist of: U.S. Government bonds, bank deposits and real estate, consisting of my homestead (unencumbered), located in the City of Janesville, Rock County, Wisconsin.
Deletions: None.
Additions: Purchased U.S. Government bonds.

This statement is made as of March 30, 1960.

Dated: March 30, 1960.

E. W. WELCH.

[F.R. Doc. 60-3552; Filed, Apr. 19, 1960; 8:47 a.m.]

EDWARD F. ZIEGLER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 30, 1960.

Dated: March 30, 1960.

E. F. ZIEGLER.

[F.R. Doc. 60-3553; Filed, Apr. 19, 1960; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 13086-13088; FCC 60-369]

BEACON BROADCASTING SYSTEM, INC., ET AL.

Memorandum Opinion and Order

In re applications of Beacon Broadcasting System, Inc., Grafton-Cedarburg, Wisconsin, Docket No. 13086, File No. BP-10518; American Broadcasting Stations, Inc. (KWMT), Fort Dodge, Iowa, Docket No. 13087, File No. BP-12201; Suburban Broadcasting Co., Inc., Jackson, Wisconsin, Docket No. 13088, File No. BP-12802; for construction permits for standard broadcast stations.

1. The Commission has before it for consideration a petition filed by American Broadcasting Stations, Inc., on February 9, 1960, for severance of its application from the above-captioned proceeding and a separate hearing, and the comment of the Commission's Broadcast Bureau in support thereof, filed February 17, 1960.

2. By Order released August 12, 1959 (FCC 59-860), the application of American Broadcasting Stations, Inc. (KWMT), for an increase in the daytime power of Station KWMT (540 kc, DA, daytime), Fort Dodge, Iowa, from 1 kw to 5 kw, was designated for consolidated hearing with the mutually exclusive applications of Beacon Broadcasting System, Inc. (Beacon), and Suburban Broadcasting Co., Inc. (Suburban), proposing identical facilities ten miles from each other on 540 kc, 250 w, daytime.[1] Interference issues, a 307(b) issue and a multiple ownership issue were specified as to KWMT.

3. The hearing has been completed and KWMT alleges that all evidence appertaining to the issues specified as to its proposal is now on the record and its application is ready for consideration under those issues; that counsel for Beacon and Suburban have stipulated on the record that they are willing to accept their grants subject to such interference as might be caused to their respective proposals by a grant to KWMT,[2] and counsel for KWMT has stated that it likewise is willing to accept its grant subject to the interference which a grant to Beacon and/or Suburban might cause to it; [3] that existing Station KSD, St. Louis, Missouri, has also agreed to accept the interference which it would receive from the KWMT proposal; [4] that the sum total of the interference which would be received by KWMT is not in violation of § 3.28(c) of the rules; [5] and a minimum of seven standard broadcast stations now provide service to each of the interference areas. KWMT further points out that the prosecution of the mutually exclusive applications of Beacon and Suburban will cause a delay in the final determination of this proceeding, and since an ultimate grant of its proposal would bring a new service to 1,411,767 persons, the public interest would best be served by avoiding such unnecessary delay with respect to its proposal.

4. There has been no opposition filed by any of the parties to this request; the Commission's Broadcast Bureau filed a comment in support of the petition.

5. It is the Commission's view that the instant petition should be granted. Both Beacon and Suburban have indicated that they do not object to a grant of KWMT's proposal; KWMT has indicated that it had no objection to a grant of either the Beacon and/or Suburban proposals; a grant of the KWMT application will not preclude a grant of either the Suburban or Beacon application; and Station KSD has indicated that it too has no objection to the grant of the KWMT proposal. KWMT has demonstrated that its proposed operation will comply with § 3.28(c) of the rules. Such compliance, together with the agreement by the parties to accept any interference which each might receive from the proposals of the others, renders unnecessary any further comparison, under the 307(b) issue, of KWMT on the one hand and Suburban and Beacon on the other. Hence there is no reason to retain KWMT in the consolidated hearing.

Accordingly, it is ordered, This 13th day of April 1960, That the petition of the American Broadcasting Stations, Inc., filed February 9, 1960, is granted; and

It is further ordered, That the application of the American Broadcasting Stations, Inc. (BP-12201), be severed

[1] Beacon proposes a new AM station on 540 kc, 250 w, daytime at Grafton-Cedarburg, Wisconsin, and Suburban proposes the same facilities for Jackson, Wisconsin, about 10 miles away.

[2] Beacon's proposed operation would receive from KWMT's proposal interference affecting 8.8 percent of the population and 32.0 percent of the area within Beacon's proposed normally-protected service area. Suburban's proposed operation would receive from the KWMT proposal interference affecting 6.5 percent of the population and 27.6 percent of the area within Suburban's proposed normally-protected contour.

[3] The KWMT proposal would receive from Suburban's proposed operation interference affecting 3.54 percent of the population and 5.04 percent of the area within KWMT's proposed normally-protected contour. From Beacon's proposed operation the KWMT proposal would receive interference affecting 4.15 percent of the population and 5.04 percent of the area within the KWMT's proposed normally-protected contour.

[4] The KWMT proposal would cause interference to Station KSD, St. Louis, Missouri, affecting 1.1 percent of the persons within the latter's normally-protected contour. KWMT's proposed operation would receive from Station KSD interference affecting 3.4 percent of the population within KWMT's normally-protected contour.

[5] In the aggregate, the objectionable interference to KWMT's proposal will be 7.19 percent or 6.58 percent, depending upon whether Beacon's proposal or Suburban's proposal is granted.

from the above-captioned consolidated proceeding and retained in hearing and considered separately on the issues concerning its application; and

It is further ordered, That American Broadcasting Stations, Inc., accept any objectionable interference which may be caused to its proposed operation as a result of a grant of either the application of Beacon Broadcasting System, Inc. (BP-10518), or Suburban Broadcasting Co., Inc. (BP-12802).

Released: April 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3593; Filed, Apr. 19, 1960; 8:51 a.m.]

[Docket Nos. 13379, 13380; FCC 60M-658]

BIBLE INSTITUTE OF LOS ANGELES, INC. (KBBI), AND BENJAMIN C. BROWN

Order Continuing Hearing

In re applications of The Bible Institute of Los Angeles Incorporated (KBBI), Los Angeles, California, Docket No. 13379, File No. BMPH-5311; Benjamin C. Brown, Oceanside, California, Docket No. 13380, File No. BPH-2687; for construction permits (FM).

The Hearing Examiner having before him a Request for Continuance of the hearing in the above-entitled proceeding, filed by The Bible Institute of Los Angeles, Incorporated, on April 13, 1960; and

It appearing that all of the other parties to the proceeding have consented to the continuance requested;

It is ordered, This 14th day of April 1960, that the request for continuance is granted; and the hearing now scheduled for April 14, 1960, is continued to April 28, 1960.

Released: April 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3594; Filed, Apr. 19, 1960; 8:51 a.m.]

[Docket Nos. 13367, 13368; FCC 60M-655]

GREENTREE COMMUNICATIONS ENTERPRISES, INC., AND JERROLD ELECTRONICS CORP.

Order Continuing Hearing

In re applications of Greentree Communications Enterprises, Inc., Flagstaff, Arizona, Docket No. 13367, File No. BPCT-2642; Jerrold Electronics Corporation, Flagstaff, Arizona, Docket No. 13368, File No. BPCT-2670; for construction permits for new television broadcast stations (Channel 9).

The Hearing Examiner having under consideration a request by counsel for applicant Jerrold Electronics Corporation made on the record during a further prehearing conference in the above-entitled proceeding which was held on April 13, 1960, for a continuance of the hearing from April 20 to May 11, 1960;

It appearing that the reason given for the continuance requested is to afford the moving party sufficient time in order to prepare a complicated amendment to its application and a detailed breakdown of expenses incurred by Greentree Communications Enterprises, Inc. for which it is to be reimbursed under an arrangement the applicants have entered into as a consequence of which, the Hearing Examiner is informed, applicant Greentree plans to withdraw from the proceeding;

It appearing further that the moving party has committed itself to file a petition for leave to amend its application and the associated amendment not later than April 29, 1960, and to furnish copies of the exhibit or exhibits it plans to offer into evidence at the hearing to the Counsel for the Chief of the Commission's Broadcast Bureau and to the Hearing Examiner also by April 29th; and that Counsel for the Broadcast Bureau consented to the continuance requested on the basis of these commitments which were approved on the record by the Hearing Examiner;

It is ordered, This 13th day of April 1960, That the request in behalf of Jerrold Electronics Corporation that the hearing in the above-entitled proceeding be continued to May 11, 1960, is granted and that the said applicant is afforded until April 29, 1960, to file its projected petition for leave to amend and to exchange exhibits in accordance with the commitments it has made as aforesaid; and

It is ordered further, That the hearing in the above-entitled proceeding which is scheduled to commence on April 20, 1960, is continued until 10:00 a.m., May 11, 1960, at the offices of the Commission, Washington, D.C.

Released: April 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3595; Filed, Apr. 19, 1960; 8:51 a.m.]

[Docket Nos. 13445, 13446; FCC 60M-660]

LAKE HURON BROADCASTING CORP. AND GERITY BROADCASTING CO.

Order for Prehearing Conference

In re applications of Lake Huron Broadcasting Corporation, Alpena, Michigan, Docket No. 13445, File No. BPCT-2661; Gerity Broadcasting Company, Alpena, Michigan, Docket No. 13446, File No. BPCT-2694; for construction permits for new television broadcast stations (channel 9).

A prehearing conference in the above-entitled proceeding will be held on Monday, April 25, 1960, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 14th day of April 1960.

Released: April 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3596; Filed, Apr. 19, 1960; 8:51 a.m.]

[Docket Nos. 13455, 13456; FCC 60M-651]

PAUL J. MOLNAR AND OHIO MUSIC CORP.

Order Scheduling Hearing

In re applications of Paul J. Molnar, Cleveland, Ohio, Docket No. 13455, File No. BPH-2847; Ohio Music Corporation, Cleveland, Ohio, Docket No. 13456, File No. BPH-2890, for construction permits.

It is ordered, This 13th day of April 1960, that Walther W. Guenther will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 13, 1960, in Washington, D.C.

Released: April 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3597; Filed, Apr. 19, 1960; 8:51 a.m.]

[Docket Nos. 12839, 12840; FCC 60M-656]

NEWPORT BROADCASTING CO. AND CRITTENDEN COUNTY BROADCASTING CO.

Order Continuing Hearing

In re applications of Newport Broadcasting Company, West Memphis, Arkansas, Docket No. 12839, File No. 12113; Crittenden County Broadcasting Company, West Memphis, Arkansas, Docket No. 12840, File No. 12405; for construction permits.

The Hearing Examiner having under consideration the informal request for continuance of hearing filed in the above-entitled proceeding on April 12, 1960, by Crittenden County Broadcasting Company;

It appearing that all parties have consented to immediate consideration and grant of the said request and good cause is shown for a grant thereof in that further efforts are being made to resolve the matters in issue;

It is ordered, This 13th day of April 1960 that the said request is granted and the hearing herein presently scheduled to commence on April 20, 1960, is continued to May 19, 1960.

Released: April 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3598; Filed, Apr. 19, 1960; 8:51 a.m.]

[Docket No. 13325; FCC 60-370]

SUNBURY BROADCASTING CORP. (WKOK)

Memorandum Opinion and Order Amending Issues

In re application of Sunbury Broadcasting Corporation (WKOK), Sunbury, Pennsylvania, Docket No. 13325, File No. BP-12008; for construction permit.

1. The Commission has before it for consideration (1) a joint petition to intervene and motion to enlarge issues filed January 29, 1960, by National Broadcasting Company, Inc.,[1] (2) an opposition to the petition to intervene and motion to enlarge issues filed February 10, 1960, by Sunbury Broadcasting Corporation; (3) a reply to the motion to enlarge issues filed February 12, 1960, by the Broadcast Bureau; and (4) an opposition to the Broadcast Bureau's reply filed February 23, 1960, by National Broadcasting Company, Inc.

2. The application of Sunbury Broadcasting Corporation, the licensee of standard broadcast Station WKOK in Sunbury, Pennsylvania (Sunbury), for change of facilities from 1240 kc, 250 w to 1070 kc, 1 kw, 10 kw-LS, DA-2, U, was designated for hearing by Commission Order released December 30, 1959 (FCC 59-1298). National Broadcasting Company, Inc., licensee of Station WRCV, Philadelphia (NBC), operating on 1060 kc, 50 kw, DA-1, requests that the Commission enlarge the issues in the instant proceeding to determine (a) whether Sunbury's proposed operation on an adjacent channel would cause objectionable interference to Station WRCV, and (b) whether Sunbury's failure to show in its application the nighttime interference which would be caused to Station WRCV by its proposed operation renders such application incomplete. In support of its request to add an interference issue, NBC relies on an engineering affidavit submitted with its motion, which states in essence (1) that the proposed WKOK daytime 0.5 mv/m contour is tangent to Station WRCV's 0.5 mv/m contour, but that any increase in Station WKOK's radiation in this direction will result in interference to Station WRCV within its 0.5 mv/m contour, and (2) that Sunbury has failed to make a similar showing as to nighttime contours; that in the direction of N 129° E, the proposed WKOK nighttime signal will be 510 mv/m, an increase from 370 mv/m daytime; and that this 38 percent increase in the radiation at night must interfere with Station WRCV's service. Sunbury denies that the proposed operation of WKOK will cause objectionable interference to Station WRCV but maintains that the question as to whether it does or does not will be the subject of proof under issues already present in this proceeding.[2]

3. We are in agreement with the Broadcast Bureau's position that the engineering data submitted by NBC presents a question of possible interference to Station WRCV from the proposed operation of WKOK. The addition of a specific interference issue as to such possible interference is therefore warranted. With respect to NBC's further request to include an issue concerning the completeness of Sunbury's application in view of the latter's failure to show the nighttime interference to Station WRCV which allegedly will be caused by the proposed operation of Station WKOK, the Commission does not believe that a sufficient showing for the addition of such an issue has been made.

Accordingly, it is ordered, This 13th day of April 1960, That the Motion to Enlarge Issues, filed January 29, 1960, by National Broadcasting Company, Inc., is granted to the extent indicated herein and is in all other respects denied; That the designation Order (FCC 59-1298) is amended to renumber Issue (4) as Issue (5); and That the issues herein are enlarged by adding the following issue:

4. To determine whether the instant proposal of Sunbury Broadcasting Corporation (BP-12008) would involve objectionable interference with Station WRCV, Philadelphia, Pennsylvania, and, if so, the nature and extent thereof, and the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

Released: April 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3599; Filed, Apr. 19, 1960; 8:51 a.m.]

[Docket Nos. 13415, 13416; FCC 60M-654]

TBC, INC., AND BAY VIDEO, INC.

Order Continuing Hearing

In re applications of TBC, Inc., Panama City, Florida, Docket No. 13415, File No. BPCT-2615; Bay Video, Inc., Panama City, Florida, Docket No. 13416, File No. BPCT-2635; for construction permits.

Pursuant to oral request and agreement of counsel in the above-entitled proceeding: *It is ordered,* This 13th day of April 1960, that the dates arrived at at the prehearing conference on April 12, 1960 are revised as follows:

Exchange of exhibits	Aug. 15, 1960
Request for additional information	Aug. 26, 1960
Notification as to witnesses desired for cross-examination	Sept. 2, 1960
Hearing on direct case	Sept. 12, 1960
Hearing for cross-examination of witnesses	Sept. 19, 1960

It is further ordered, That the hearing in the above-entitled proceeding now scheduled for April 21, 1960, is continued to September 12, 1960, at 10 a.m., in Washington, D.C.

Released: April 14, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3600; Filed, Apr. 19, 1960; 8:51 a.m.]

[Docket No. 13,460]

BILLY G. WATTERS

Order To Show Cause

In the matter of Billy G. Watters, 315 South Third Street, Elkhart, Indiana, Docket No. 13,460; order to show cause why there should not be revoked the license for Citizens Radio Station 18W5911.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation was mailed to the licensee on December 3, 1959, alleging that on November 22, 1959, at approximately 2221 G.m.t., the subject radio station was observed operating with excessive frequency deviation from the frequency 26,995 kc in violation of § 19.33 of the Commission's rules;

It further appearing that the above-named licensee received said Official Notice but did not make satisfactory reply thereto, whereupon the Commission by letter dated January 18, 1960, and sent by Certified Mail—Return Receipt Requested (No. 3429098), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee, Billy G. Watters, on January 23, 1960, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 12th day of April 1960, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee

[1] By Memorandum Opinion and Order released February 16, 1960 (FCC 60M-301), the request for leave to intervene was granted and National Broadcasting Company, Inc., was made a party to the proceeding.

[2] In this connection, Sunbury cities Issue 1 in this proceeding, which reads as follows: "To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WKOK and the availability of other primary service to such areas and populations."

[3] Concurring statement of Commissioner Lee filed as part of the original document.

show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this order by Certified Mail—Return Receipt Requested to the said licensee.

Released: April 13, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3601; Filed, Apr. 19, 1960; 8:52 a.m.]

[Docket No. 6517; FCC 60M-663]

WESTERN UNION TELEGRAPH CO. AND POSTAL TELEGRAPH, INC.

Order Continuing Hearing

In the matter of the Application for Merger of the Western Union Telegraph Company and Postal Telegraph, Inc., Docket No. 6517.

The Hearing Examiner having under consideration a "Motion for Postponement of Hearing" in the above-entitled matter filed April 11, 1960, by the Barnes Investing Corporation, one of the joint petitioners, and

It appearing that counsel for The Western Union Telegraph Company has indicated agreement to the postponement and that the Chief, Common Carrier Bureau, does not interpose any objections to the proposed postponement, and

It further appearing that the proposed postponement would change the hearing date from April 20, 1960, to June 8, 1960, and

It further appearing that if full time were allowed all parties to answer the motion, the hearing date would have arrived before such full time for such answers would have elapsed and, therefore, the Hearing Examiner should act promptly, and

It further appearing that good cause for the postponement has been shown,

It is ordered, This 14th day of April, 1960, that the hearing heretofore scheduled to begin on April 20, 1960 be and it hereby is postponed until 10:00 a.m., June 8, 1960, in the Commission's offices in Washington, D.C., and

It is further ordered, That the distribution of exhibits and prepared testimony which were due April 8, 1960 shall occur on or before May 27, 1960.

Released: April 15, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 60-3602; Filed, Apr. 19, 1960; 8:52 a.m.]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

FEDERAL POWER COMMISSION

[Docket No. CP60-4]

EQUITABLE GAS CO.

Notice of Application and Date of Hearing

APRIL 12, 1960.

Take notice that on January 11, 1960, Equitable Gas Company (Equitable), a Pennsylvania corporation with its principal place of business in Pittsburgh, Pa., filed an application in Docket No. CP60-4, as supplemented on February 11 and February 15, 1960, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to construct and operate the facilities hereinafter described, all as more fully described in the application which is on file with the Commission and open to public inspection.

Equitable proposes to construct and operate the following facilities:

1960: Approximately 17 miles of 16-inch transmission loop pipeline extending from the northern terminus of the 16-inch transmission loop authorized in Docket No. G-17871 (near Fairmont, W. Va.) to a point of connection with the existing system near Blacksville, Monongalia County, West Virginia.

3.8 miles of 20-inch transmission loop line extending in a northerly direction from Equitable's Pratt Compressor Station to its existing transmission line H-106, all in Greene County, Pa.

1961: 14.7 miles of 16-inch transmission loop line extending from the northern terminus, near Blacksville, of the 16-inch loop to be constructed in 1960 to Pratt Compressor Station.

5.7 miles of 20-inch transmission loop line extending in a northerly direction from the terminus at H-106 of the 20-inch line to be constructed in 1960 to a point near Blaine Farm, Greene County, Pa.

1962: 17.25 miles of 20-inch transmission loop line extending in a northerly direction from the northern terminus, near Blaine Farm, of the 20-inch transmission line to be constructed in 1961 to Equitable's existing distribution system near Pittsburgh.

Equitable shows by its application that it continues to experience growth in its natural gas load, particularly in its space-heating market. To meet this growing demand, Equitable has, among other things, continued to develop underground gas storage facilities, the latest being the Rhodes Storage Pool, Lewis County, W. Va., which is being developed according to plan since its certification by the Commission on October 31, 1957, in Docket No. G-12304.

The proposed facilities are estimated to increase Equitable's overall system capacity to deliver gas into its distribution system as follows:

6,000 Mcf per day in 1960 over present capacity.
28,000 Mcf per day in 1961 over present capacity.
76,000 Mcf per day in 1962 over present capacity.

It appears that the total estimated cost of the entire project, which is $5,384,070, will be met from the general funds available to Equitable. As of November 30, 1959, Equitable's cash available, net income and earned surplus are shown to be $3,110,253, $5,453,834, and $6,192,896, respectively.

Equitable was granted temporary authorization to construct and operate the proposed 1960 facilities on February 26, 1960.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 6, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Equitable to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C. in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 3, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3538; Filed, Apr. 19, 1960; 8:46 a.m.]

[Docket Nos. G-11336, G-13418, G-16595]

SHELL OIL CO.

Order Continuing Increased Rates in Effect and Severing and Terminating Proceedings

APRIL 13, 1960.

On March 25, 1957, March 18, 1958, and March 13, 1959, Shell Oil Company (Shell) tendered for filing proposed increased rates for sales of natural gas to Texas Gas Pipe Line Corporation designated by the Commission as Supplements Nos. 5, 6, and 7 to Shell's FPC Gas Rate Schedule No. 29, respectively. The proposed increases were suspended by orders issued by the Commission in the above entitled Dockets on October 30, 1956, October 14, 1957, and October 22, 1958. These rates were subsequently made effective subject to refund on April 1, 1957, April 1, 1958, and April 1, 1959, respectively.

On February 11, 1960, the Commission issued an order entitled Order Instituting Rate Investigation and Consolidating Proceedings in Docket Nos. G-9446, et al. This order, among other things, consolidated the above entitled proceedings with the general rate investigation and a number of proceedings instituted under section 4(e) of the Natural Gas Act.

On March 1, 1960, Shell filed a motion to terminate the suspension proceedings in toto in Docket Nos. G-11336 and G-13418 and in part in Docket No. G-16595 in so far as it relates to Supplement No. 7 to its FPC Gas Rate Schedule No. 29, thus allowing Supplements Nos. 5, 6 and 7 to its FPC Gas Rate Schedule No. 29 to become effective without obligation to refund.

In support of its motion to terminate, Shell cites the recent orders of the Commission in Docket Nos. G-10438, G-12598 and G-15015 wherein the Commission terminated the suspension of Houston Natural Gas Producing Company (Operator) et al's proposed prices of 13.4 cents, 13.6 cents and 13.8 cents per Mcf for the sale of gas from the Big Hill and South Mazes Fields, Jefferson and Chambers Counties, Texas. Shell states that since the prices under suspension in Supplement Nos. 5, 6, and 7 to its FPC Gas Rate Schedule No. 29 are 13.4 cents, 13.6 cents, and 13.8 cents per Mcf, respectively and that since these sales are made from the same general area as those allowed to become effective without obligation to refund with respect to Houston Natural Gas Producing Company (Operator) et al., it would be discriminatory for the Commission not to allow the same prices from the same general area for Shell.

Upon consideration of the matters presented by Shell in support of its motion to terminate and consistent with our action in terminating suspension proceedings of other producers under similar circumstances, it appears that the rates set forth in the aforementioned supplements should be continued in effect without obligation to refund and that Shell should be discharged from its undertakings to refund excess charges.

The Commission finds:

(1) Good cause exists for permitting Shell's aforementioned supplements to continue in effect without obligation to refund as hereinafter ordered, and for discharging Shell from its existing obligations to refund excess charges under such supplements.

(2) The proceedings in Docket Nos. G-11336 and G-13418 should be severed from the aforementioned consolidated proceedings and terminated and the proceedings in Docket No. G-16595 should be terminated only insofar as they pertain to Supplement No. 7 to Shell's FPC Gas Rate Schedule No. 29.

The Commission orders:

(A) The rates and charges set forth in Supplement Nos. 5, 6 and 7 to Shell's FPC Gas Rate Schedule No. 29 are hereby continued in effect without obligation to refund.

(B) Shell is hereby discharged from its existing obligations under the agreement and undertakings filed by it in these proceedings to refund excess charges under said supplements.

(C) The proceeding in Docket Nos. G-11336 and G-13418 are hereby severed from the aforementioned consolidated proceedings and terminated, and the proceedings in Docket No. G-16595 are hereby terminated insofar as they pertain to Supplement No. 7 to Shell's FPC Gas Rate Schedule No. 29.

(D) This order is without prejudice to any findings or orders which have been or may be made by the Commission in any proceeding now pending or hereafter instituted by or against Shell.

By the Commission (Commissioner Connole dissenting.)

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3539; Filed, Apr. 19, 1960; 8:46 a.m.]

[Docket No. G-9446 etc.]

SHELL OIL CO. ET AL.

Order Severing and Terminating Proceedings

APRIL 13, 1960.

Shell Oil Company, et al., Docket Nos. G-9446, et al., Shell Oil Company, Docket Nos. G-14113 and G-16249.

On December 5, 1957, Shell Oil Company (Shell) tendered for filing a proposed increased rate, reflecting a 1.0 cent per Mcf periodic increase from 10.0 cents per Mcf to 11 cents per Mcf, for the sale of residue gas to Lone Star Gas Company (Lone Star) from Dillard Plant, Carter County, Oklahoma. The tender was designated as Supplement No. 1 to Shell's FPC Gas Rate Schedule No. 60, and by order of the Commission issued December 27, 1957, in Docket No. G-14113 was suspended until June 5, 1958, and until such further time as it was made effective in the manner prescribed in the Natural Gas Act. Pursuant to appropriate motion of Shell and order of the Commission issued July 14, 1958, the increased rate was made effective as of June 5, 1958.

On August 15, 1958, Shell tendered for filing a proposed increased rate, reflecting a 0.5 cent per Mcf increase from 5.0 cents per Mcf to 5.5 cents per Mcf, for sales of casinghead gas to West Lake Natural Gasoline Company (West Lake) from West Lake Trammel Field, Nolan County, Texas. The tender was designated as Supplement No. 1 to Shell's FPC Gas Rate Schedule No. 173, and by order of the Commission issued September 12, 1958, in Docket No. G-16249 was suspended until September 16, 1958, and until such further time as it was made effective in the manner prescribed in the Natural Gas Act. Pursuant to appropriate motion of Shell and order of the Commission issued November 21, 1958, the increased rate was made effective as of September 18, 1958.

On December 15, 1959, Shell filed motions for termination of suspension orders in Docket Nos. G-14113 and G-16249. In support of its motions, Shell states that suspension proceedings with respect to similar increased rates of other producers in the same area have been terminated under similar circumstances.

By order issued February 10, 1960, the Commission denied the petitions of United Gas Improvement Company, Long Island Lighting Company, and Public Service Electric and Gas Company to intervene in Docket Nos. G-14113 and G-16249. No persons have protested or filed notices of intervention, and no other persons have petitioned seeking intervention in Docket Nos. G-14113 and G-16249.

Upon consideration of the matters presented by Shell in support of its motions to terminate and consistent with Commission action of terminating suspension proceedings under similar circumstances, it appears that the rates set forth in the aforementioned supplements should be effective without obligation to refund and that Shell should be discharged from its existing obligation to refund excess charges collected under such supplements.

The Commission finds:

(1) Good cause exists for permitting Shell's aforementioned supplements and the increased rates contained therein to be effective without obligation to refund, as hereinafter ordered, discharging Shell from its existing obligation to refund any excess charges collected under such supplements, and severing Docket Nos. G-14113 and G-16249 from the consolidated proceedings in Docket Nos. G-9446, et al.

(2) The proceedings in Docket Nos. G-14113 and G-16249 should be terminated.

The Commission orders:

(A) Docket Nos. G-14113 and G-16249 are hereby severed from the consolidated proceedings in Docket Nos. G-9446, et al.

(B) The rates and charges set forth in Supplements No. 1 to Shell's FPC Gas Rate Schedule Nos. 60 and 173 shall be effective without obligation to refund, and Shell is hereby discharged from its existing obligation under the agreements and undertakings filed by it in these proceedings to refund any excess charges collected under such supplements.

(C) The proceedings in Docket Nos. G-14113 and G-16249 are hereby terminated.

(D) This order is without prejudice to any findings or orders which have been or may be made by the Commission in any proceeding now pending or hereafter instituted by or against Shell.

By the Commission (Commissioner Connole dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3540; Filed, Apr. 19, 1960; 8:46 a.m.]

[Docket No. RI60-244 etc.]

CITIES SERVICE OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates [1]

APRIL 13, 1960.

Cities Service Oil Company, Docket No. RI60-244; Southwestern Exploration Consultants, Inc., (Operator), et al., Docket No. RI60-245; Edwin L. Cox, Docket No. RI60-246; K-B Compression Company, Inc., (Operator), Docket No. RI60-247; General American Oil Company of Texas, Docket No. RI60-248; Jay Kornfeld (Operator), et al., Docket No. RI60-249; Republic National Bank of Dallas, Trustee of the Wirt Davis, Estate, Docket No. RI60-250; Francis A. Callery, Docket No. RI60-251; Kirby Production Company, Docket No. RI60-252.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for the sale of natural gas subject to the jurisdiction of the Commission. In each filing the natural gas is sold at 14.65 psia, with the exception of Francis A. Callery which is sold at 15.025 psia. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date unless suspended [1]	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect [2]	Proposed increased rate	
RI60-244	Cities Service Oil Co.	53	4	Northern Natural Gas Co. (West Panhandle field, Carson and Gray Counties, Tex.).	3-15-60	3-18-60	4-18-60	9-18-60	8.0512	12.0768	
RI60-245	Southwestern Exploration Consultants, Inc. (Operator), et al.	9	1	Lone Star Gas Co. (Jefferson County, Okla.).	Not dated	3-18-60	4-18-60	9-18-60	11.0	16.8	
RI60-245	do	4	1	do	do	3-18-60	4-18-60	9-18-60	11.0	16.8	
RI60-246	Edwin L. Cox	10	7	Natural Gas Pipeline Co. of America (Camerick Southeast field, Texas and Beaver Counties, Okla.).	3-15-60	3-21-60	5-10-60	10-10-60	16.6	16.8	G-18275
RI60-246	do	21	4	Natural Gas Pipeline Co. of America (Camerick Southeast field, Texas County, Okla.).	3-15-60	3-21-60	5-10-60	10-10-60	16.6	16.8	G-18275
RI60-246	do	22	5	do	3-15-60	3-21-60	5-10-60	10-10-60	16.6	16.8	G-19024
RI60-247	K-B Compression Co., Inc. (Operator).	2	4	Lone Star Gas Co. (Stephens County, Okla.).	3-18-60	3-21-60	4-21-60	9-21-60	11.0	16.8	
RI60-248	General American Oil Co. of Texas.	32	4	El Paso Natural Gas Co. (Sweetie Peck field, Midland County, Tex.).	2-18-60	3-14-60	4-14-60	9-14-60	[3] 11.0	17.1843	
RI60-249	Jay Kornfeld (Operator), et al.	2	1	Cities Service Gas Co. (Barber County, Kans.).	3-11-60	3-14-60	4-14-60	9-14-60	[3] 12.0	13.0	
RI60-250	Republic National Bank of Dallas, Trustee of the Wirt Davis Estate.	1	6	Tennessee Gas Transmission Co. (Pelican field, Liberty County, Tex.).	3-11-60	3-14-60	4-14-60	9-14-60	[3] 13.49751	16.16947	
RI60-251	Francis A. Callery	18	1	United Fuel Gas Co. (Cole's Gully field, Acadia Parish, La.).	3-10-60	3-14-60	4-14-60	9-14-60	[4] 18.3	19.5	
RI60-252	Kirby Production Co.	12	2	Natural Gas Pipeline Co. of America (Camerick Southeast field, Texas and Beaver Counties, Okla.).	3- 9-60	3-17-60	5- 1-60	10- 1-60	[4] 16.0	16.2	

[1] The stated effective dates are those requested by respondents, or the first day after expiration of the required statutory notice, whichever is later.

[2] The pressure base is 14.65 psia.

[3] The pressure base is 15.025 psia.

In support of their proposed favored-nation rate increases, Southwestern Exploration Consultants, Inc. (Operator), et al., (Southwestern) and K-B Compression Company, Inc. (Operator), cite the favored-nation clauses of their contracts and state that such clauses were activated by a 16.8 cents per Mcf rate paid by Lone Star Gas Company for gas purchased in the Carter-Knox Field, Stephens County, Oklahoma. In addition, Southwestern states that its contracts were negotiated at arm's length and that the favored-nation clauses were an important consideration to Southwestern to enter into the long-term contracts.

Edwin L. Cox states in support of his proposed periodic rate increase that the pricing provisions responsible for the increases collectively represent the negotiated contract price, that the subject rate increases are an integral part of the initial rate filings, and that the periodic pricing arrangement is beneficial to the buyer, the seller, and to the public.

Kirby Production Company (Kirby) states that its proposed periodic rate increase will not result in an excessive return but will assist Kirby in obtaining a return commensurate with the risks inherent in the exploration, production and sale of natural gas.

In support of its proposed renegotiated rate increase, General American Oil Company of Texas states that the pricing provisions responsible for the increased rate represent the negotiated contract price and will serve to stabilize gas prices in the Permian Basin area.

Jay Kornfeld (Operator), et al., in support of his proposed periodic rate increase, states that the contract of sale was negotiated at arm's length, that the periodic escalation provision enabled buyer to purchase the gas at a lower initial price, that the proposed price is not substantially different from other gas sales prices in the area, and that operating costs have increased.

Republic National Bank of Dallas, Trustee of the Wirt Davis Estate, states in support of its proposed redetermined rate increase that the contract of sale was negotiated at arm's length, that the costs of producing gas have increased in recent years, and that the increased rate is necessary to encourage exploration and development.

In support of his proposed three-step periodic rate increase, Francis A. Callery states that the contract of sale was negotiated at arm's length and that it provides for an installment method of payment for the gas dedicated to the performance of the contract.

The proposed rate changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements are hereby suspended and

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before May 30, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3569; Filed, Apr. 19, 1960; 8:49 a.m.]

[Docket No. G-9446 etc.]

SHELL OIL CO. ET AL.

Order Permitting Increased Rates To Remain in Effect and Severing and Terminating Proceedings

APRIL 13, 1960.

Shell Oil Company, Docket No. G-9446, et al.; Shell Oil Company, Docket Nos. G-13847, G-16337; Shell Oil Company (Operator), et al., Docket No. G-14023.

By orders issued December 13, 1957, in Docket No. G-13847, and December 26, 1957, in Docket No. G-14023, the Commission suspended increased rates set forth in Supplement No. 1 to Shell Oil Company's (Shell's) FPC Gas Rate Schedule No. 99, and Supplement No. 1 to Shell's FPC Gas Rate Schedule No. 68, respectively, for sales of natural gas to Lone Star Gas Company (Lone Star) from fields in Carter County, Oklahoma. The increased rates of 11 cents per Mcf in Docket No. G-13847, and 7.5 cents per Mcf in Docket No. G-14023 were made effective, subject to refund, as of June 1, 1958.

By order issued September 26, 1958, in Docket No. G-16337, the Commission suspended increased rates of 7.5 cents per Mcf set forth in Supplement No. 1 to Shell's FPC Gas Rate Schedule No. 174 and Supplement No. 1 to Shell's FPC Gas No. 175 for sales of natural gas to Lone Star from Carter County, Oklahoma. The increased rates were made effective, subject to refund as of February 28, 1959.

By motion filed January 25, 1960, Shell requested termination of the proceedings in Docket Nos. G-13847, G-14023, and G-16337, and discharge from its refund obligations thereunder, alleging that increased rate filings of other independent producers in the areas involved have been accepted without suspension or similar suspension proceedings terminated, and that these filings involved the same or a higher price level than that proposed by Shell in these proceedings.

Neither Lone Star no any other person has filed a protest with respect to Shell's motion.

By order issued November 23, 1959, the proceedings in Docket Nos. G-13847, G-14023 and G-16337, inter alia, were consolidated for hearing with the proceedings in Docket Nos. G-9446, et al.

The Commission finds:

(1) The proceedings in Docket Nos. G-13847, G-14023 and G-16337 should be severed from the consolidated proceedings in Docket Nos. G-9446, et al.

(2) Good cause exists for continuing in effect without obligation to refund, the rates prescribed under Supplements No. 1 to Shell's FPC Gas Rate Schedule Nos. 99, 68, 174, and 175, to discharge Shell from its obligation to make refunds under such supplements and to terminate the proceedings.

The Commission orders:

(A) The proceedings in Docket Nos. G-13847, G-14023 and G-16337 are hereby severed from consolidated proceedings in Docket Nos. G-9446, et al.

(B) The rates and charges set forth in Supplements No. 1 to Shell's FPC Gas Rate Schedule Nos. 99, 68, 174, and 175 are hereby continued in effect without obligation to refund, and Shell is hereby discharged from its obligation to make refunds under such supplements.

(C) The proceedings in Docket Nos. G-13847, G-14023 and G-16337 are hereby terminated.

(D) This order is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against Shell Oil Company.

By the Commission (Commissioner Connole dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3541; Filed, Apr. 19, 1960; 8:46 a.m.]

[Docket No. CP60-25]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application and Date of Hearing

APRIL 8, 1960.

Take notice that Columbia Gulf Transmission Company (Applicant), a Delaware corporation, with its principal place of business in Houston, Texas, filed an application on February 5, 1960, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing Applicant to construct and operate an additional dual 24-inch underwater pipeline crossing of the Mississippi River near Lake Providence, Louisiana, about one and one-half miles north of Applicant's existing crossing. Applicant's existing underwater crossing consists of two 24-inch and two 16-inch pipelines, alongside each other, about 30 miles south of Greenville, Mississippi.

The application recites that the existing lines are poorly located due to changes that have occurred in the river at that location, necessitating the construction of the new facilities.

The total estimated cost of the proposed facilities is $3,500,000 which will be supplied from current funds.

No increase in Applicant's transmission system capacity is proposed.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 12, 1960, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 2, 1960. Failure of any party to appear and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3570; Filed, Apr. 19, 1960; 8:49 a.m.]

[Project No. 2155]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Notice of Application for License

APRIL 14, 1960.

Public notice is hereby given that Sacramento Municipal Utility District, of Sacramento, California, has filed application under the Federal Power Act (16 U.S.C. 791a-825r) for license for proposed waterpower Project No. 2155, designated by applicant as "White Rock Division—Upper American River Project", to be located on the South Fork of American River in El Dorado County, California, in the region of Placerville, Camino, and Pollock Pines, affecting lands of the United States within the Eldorado National Forest and other lands of the United States, and to consist of:

Slab Creek Dam and Reservoir. A Concrete arch dam across South Fork of American River about 2,000 feet upstream from the mouth of Iowa Canyon, 220 feet high above streambed with overflow type spillway having a crest at elevation 1860 and outlet facilities to bypass water to sustain fish life downstream and to supply to the downstream licensed American River power plant (Project No.

78) of Pacific Gas and Electric Company water which is now diverted about 4,000 feet above this damsite, and a reservoir extending 5.4 miles upstream to tailwater of the applicant's Camino Powerhouse of Project No. 2101 and having a capacity of 19,000 acre-feet at elevation 1860;

White Rock Powerhouse. A powerhouse located on the left bank of South Fork of American River at the mouth of White Rock Creek, having installed two generating units of 75,000 kilowatts capacity each, the plant to be supplied water from Slab Creek Reservoir through pressure tunnel about 4.6 miles long and a penstock consisting of 1,200 feet of single steel line and 240 feet of double steel line;

Chili Bar Dam, Reservoir and Powerhouse. A concrete gravity dam located on South Fork of American River about 1,500 feet upstream from mouth of Ladies Canyon, 72 feet high with five radial gates 24 feet high by 40 feet long in the central ogee spillway, a powerhouse in the right abutment of the dam to have a single generating unit of 7,000 kilowatt capacity, and an afterbay reservoir with capacity of 4,000 acre-feet at elevation 1000; and

Transmission Lines. A 13.2-kv line 13,000 feet long to deliver power from Chili Bar Powerhouse to White Rock Powerhouse, and a short 230-kv tap line to connect White Rock Powerhouse to a 230-kv transmission line between the applicant's Camino Powerhouse of Project No. 2101 and its service area.

Pursuant to section 24 of the Federal Power Act, the filing of this application has the effect of segregating from all forms of disposal any lands of the United States which may be contained within the project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is May 23, 1960. The application is on file with the Commission for inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3571; Filed, Apr. 19, 1960; 8:49 a.m.]

[Docket No. G-9716 etc.]

SINCLAIR OIL AND GAS CO.

Order Permitting Increased Rates To Remain in Effect and Severing and Terminating Proceedings

APRIL 14, 1960.

Sinclair Oil & Gas Company, Docket Nos. G-9716, G-9717, G-9718, G-10011, G-10293, G-12117.

By order issued November 30, 1955, in Docket Nos. G-9716, G-9717, and G-9718, order issued February 29, 1956, in Docket No. G-10011, order issued April 24, 1956, in Docket No. G-10293, and order issued February 28, 1957, in Docket No. G-12117, the Commission suspended the increased rates proposed in the following designated filings:

Docket Nos.	Rate schedule No.	Supplement No.	Effective date	Increased base rate (cents per Mcf)[1]
G-9716	79	1	5- 2-56	10.0
G-9717	80	1	5- 2-56	9.75
G-9718	81	1	5- 2-56	10.0
G-10011	9	7	8-15-56	9.83
G-10293	15,16,17	3,3,3	10- 3-56	[2]11.0
G-12117	109	1	8- 3-57	11.0

[1] The pressure base is 14.65 psia.
[2] Price for sweet gas.

The proceedings in Docket Nos. G-9716, G-9717, and G-9718 involved sales to Frank C. Henderson and Elizabeth P. Henderson Trust No. 2. Docket No. G-10011 relates to sales to Natural Gas Pipeline Company of America, and Docket Nos. G-10293 and G-12117 relate to sales to Phillips Petroleum Company. Pursuant to Sinclair's motions filed with appropriate Undertakings and Agreements, the rates were made effective subject to refund as of the dates above indicated.

By order of the Commission issued February 6. 1957, the proceedings in Docket Nos. G-9716, G-9717, G-9718, G-10011 and G-10293 were consolidated with the proceedings in Docket Nos. G-9291, G-9292, G-11343, G-11344 and G-11345. By order of the Commission issued October 13, 1959, Docket Nos. G-11343, G-11344 and G-11345 were severed from the aforementioned consolidated prooceedings.

On March 15, 1960, Sinclair filed a Motion to terminate the proceedings in Docket Nos. G-9716, G-9717, G-9718, G-10011, G-10293 and G-12117, continue the related rate schedules in effect without refund obligation and discharge Sinclair's liability under its Undertaking and Agreement. The Motion recites that rates at the level of its highest price are permited to be collected without refund obligation by similarly situated producers. Continuation of the refund obligation on its rates, Sinclair contends would be be inconsistent regulation, and, quoting the Commission in the Reef Fields Decision,[1] "would be inequitable, unfair, and unduly discriminatory."

There has been no protest filed to Sinclair's Motion.

The Commission finds:

(1) The proceedings in Docket Nos. G-9716, G-9717, G-9718, G-10011, and G-12117, should be severed from the consolidated proceedings in Docket Nos. G-9291, et al.

(2) Good cause exists for terminating the proceedings in Docket Nos. G-9716, G-9717, G-9718, G-10011, G-10293 and G-12117, for discharging any refund obligations therein, and for permitting the rates proposed in Supplement No. 1 to Sinclair's FPC Gas Rate Schedule No. 79, No. 1 to Schedule No. 80, No. 1 to Schedule No. 81, No. 7 to Schedule No. 9, No. 3 to Schedule Nos. 15, 16 and 17 and No. 1 to Schedule No. 109 to continue in effect without refund obligation.

The Commission orders:

(A) The proceedings in Docket Nos. G-9716, G-9717, G-9718, G-10011, and G-12117 are hereby severed from the consolidated proceedings in Docket Nos. G-9291, et al.

(B) The proceedings in Docket Nos. G-9716, G-9717, G-9718, G-10011, G-10293 and G-12117 are hereby terminated, and the obligation to refund excess charges found therein is hereby discharged.

(C) Supplement No. 1 to Sinclair's FPC Gas Rate Schedule No. 79, No. 1 to Schedule No. 80, No. 1 to Schedule No. 81, No. 7 to Schedule No. 9, No. 3 to Schedule Nos. 15, 16, and 17, and No. 1 to Schedule No. 109 are permitted to continue in effect without refund obligation.

(D) This order and the termination of these proceedings shall be without prejudice to any finding or determinations that may be made in any proceedings now pending or hereinafter instituted by or against Sinclair.

By the Commission (Commissioner Connole dissenting).

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-3572; Filed, Apr. 19, 1960; 8:49 a.m.]

[1] Reef Fields Gasoline Corporation (Operator), et al., Docket No. G-14030.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL ADMINISTRATORS

Delegation of Authority To Designate Acting Regional Administrator and Other Acting Regional Officers

Each Regional Administrator of the Housing and Home Finance Agency is hereby authorized, within his Region, to designate the regional officer or officers next in order who shall act in the place and stead of the Regional Administrator, with the title of "Acting Regional Administrator" and with all the powers, functions, duties, and responsibilities delegated or assigned to the Regional Administrator, during the absence of disability of the Regional Administrator.

Each Regional Administrator is further authorized to designate an employee in his Region to serve as acting head of any organizational unit of the Regional Office, with the title of "Acting" and with power to perform the functions of the appointed head of the unit during his absence or disability.

This delegation supersedes the delegation to Regional Representatives effec-

tive June 4, 1952 (17 F.R. 5049, June 4, 1952).

(62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U.S.C. 1701c)

Effective as of the 1st day of April 1960.

[SEAL] NORMAN P. MASON,
Housing and Home Finance Administrator.

[F.R. Doc. 60-3573; Filed, Apr. 19, 1960; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 319]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 15, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including Special Rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 82 (Sub No. 8), filed February 8, 1960. Applicant: BEST WAY OF INDIANA, INC., 10 Cherry Street, Terre Haute, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Vincennes, Ind., and Prospect, Ind., from Vincennes over U.S. Highway 150 to Prospect, and return over the same route, serving no intermediate points as an alternate route for operating convenience only in connection with applicant's authorized regular route operations, as more specifically set forth in the application.

HEARING: June 24, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 2510 (Sub No. 25), filed March 25, 1960. Applicant: ZIFFRIN TRUCK LINES, INC., 1120 Division Street, Indianapolis, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, inflammable articles, livestock, and commodities in bulk, serving the site of the B. F. Goodrich Tire Company located in Milan Township, Allen County, Ind., approximately 11 to 13 miles from the city limits of Fort Wayne, Ind., on U.S. Highway 24 between County Roads Webster and Garver, as an off-route point in connection with applicant's authorized regular route operations to and from Fort Wayne, Ind.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 2974 (Sub No. 20), filed March 25, 1960. Applicant: O. I. M. TRANSIT CORPORATION, Commerce Drive, Fort Wayne, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the B. F. Goodrich Tire Company, located in Milan Township, Allen County, Ind., approximately 11 to 13 miles from the city limits of Fort Wayne, Ind., on U.S. Highway 24 between County Roads Webster and Garver, as an off-route point in connection with applicant's authorized regular route operations to and from Fort Wayne, Ind.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 2986 (Sub No. 19), filed November 27, 1959. Applicant: INDIANAPOLIS & SOUTHERN MOTOR EXPRESS, INC., U.S. Highway 41 South, P.O. Box 491, Vincennes, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between junction Indiana Highway 46 and 59 and Bloomington, Ind., over Indiana Highway 46, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Indiana and Ohio.

HEARING: June 24, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 6945 (Sub No. 28), filed March 25, 1960. Applicant: THE NATIONAL TRANSIT CORPORATION, 4401 Stecker Avenue, Dearborn, Mich. Applicant's attorney: Thomas I. Wattles, Dime Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment, serving the site of the Kelsey Hayes Company, located at 38481 Huron River Drive, at the intersection of Huron River Drive and Northline Road, in Romulus Township, Wayne County, Mich., as an off-route point in connection with applicant's authorized regular route operations to and from Detroit, Mich.

NOTE: Common control may be involved.

HEARING: June 20, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 14252 (Sub No. 12), filed April 1, 1960. Applicant: COMMERCIAL MOTOR FREIGHT, INC., 525 Cleveland Avenue, Columbus 3, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Junction U.S. Highways 30 and 24, and the plant site of the B. F. Goodrich Company, located in Milan Township, Allen County, Ind.: from junction U.S. Highways 30 and 24 east of Fort Wayne, Ind., northeast over U.S. Highway 24 to the said plant site, and return over the same route, serving all intermediate points.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 20824 (Sub No. 16), filed March 23, 1960. Applicant: COMMERCIAL MOTOR FREIGHT, INC. OF INDIANA, 111 East McCarty Street, Indianapolis, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving to and from the plant site of the B. F. Goodrich Tire Company, located in Milan Township, Allen County, Ind., approximately eleven to thirteen air line miles from the city limits of Fort Wayne, Ind., on U.S. Highway 24 between County Roads Webster and Garver, as an off-route point in connection with carrier's present regular route operations to and from Fort Wayne, Ind.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 20872 (Sub No. 9), filed April 4, 1960. Applicant: CLEM J GETTY, doing business as LIME CITY TRUCKING CO., P.O. Box 254, Huntington, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equip-

ment, and those injurious or contaminating to other lading, serving the site of the B. F. Goodrich Tire Company, located in Milan Township, Allen County, Ind., approximately 11 to 13 airline miles from the City limits of Fort Wayne, Ind. on U.S. Highway 24 between County Roads Webster and Garver, as an off-route point in connection with applicant's authorized regular route operations to and from Fort Wayne, Ind.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 22276 (Sub No. 3), filed December 2, 1959. Applicant: TAYLOR TRUCKING COMPANY, a Corporation, 1350 Arlington Street, Cincinnati, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as specified in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Cincinnati, Ohio to points in Fayette, Franklin, Dearborn, Ripley, Switzerland, Union, Rush, Decatur, Ohio, Jefferson, and Jennings Counties, Ind., and *returned and damaged shipments* of the commodities specified in this application from the above-specified destination points to Cincinnati, Ohio. Applicant is authorized to conduct operations in Ohio and Kentucky.

HEARING: June 21, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 60.

No. MC 30837 (Sub No. 274), filed February 29, 1960. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place, NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Imported farm and industrial tractors*, by the truckaway method, from Kenosha, Wis., to points in Wisconsin, Minnesota, Iowa, Nebraska, Missouri, Illinois, and Indiana.

HEARING: May 26, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Armin G. Clement.

No. MC 35628 (Sub No. 233), filed February 8, 1960. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a Corporation, 134 Grandville SW., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except Classes A and B explosives, dangerous inflammables, household goods, as defined by the Commission, and commodities in bulk, serving the plant site of General Electric Company near Mount Vernon, Ind., as an off-route point in connection with applicant's authorized regular route operations to and from Evansville, Ind., as authorized in Certificates No. MC 35628 and MC 35628 (Sub No. 6).

HEARING: June 16, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 35628 (Sub No. 234), filed March 28, 1960. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a Corporation, 134 Grandville SW., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk (except scrap metal in bulk), serving to and from the plant site of the B. F. Goodrich Tire Company in Milan Township, Allen County, Ind., on U.S. Highway 24, between county roads Webster and Garver, approximately 13 air line miles from the city limits of Fort Wayne, as an intermediate point in connection with operations over U.S. Highway 24 between Peoria, Ill., and the Indiana-Ohio State line, as authorized at Sheets 9 and 10 of Certificate MC 35628.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 35628 (Sub No. 235), filed March 30, 1960. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a Corporation, 134 Grandville SW., Grand Rapids, Mich. Applicant's attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk (except scrap metal in bulk), serving to and from the plant site of Kelsey-Hayes Company located at intersection of Huron River Drive and North Line Highway, Romulus Township, Wayne County, Mich., as an off-route point in connection with operations to and from Detroit, Mich., as authorized by Certificate No. MC 35628 Sub No. 2.

HEARING: June 20, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 36222 (Sub No. 3), filed December 20, 1959. Applicant: JOHN L. FANSHAW, JR., doing business as CREWE TRANSFER, Crewe, Va. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Garments* on hangers, from Nashville, N.C., to Crewe, Va.

HEARING: May 25, 1960, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 7.

No. MC 40235 (Sub No. 20), filed March 18, 1960. Applicant: I. R. C. & D. MOTOR FREIGHT, INC., 128 South Second Street, Richmond, Va. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except livestock, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading serving the B. F. Goodrich Tire Company, plant located in Milan Township, Allen County, Ind., approximately 11 to 13 miles from the city limits of Fort Wayne, Ind., on U.S. Highway 24 between County Roads Webster and Garver as an off-route point in connection with applicant's authorized regular route operations to and from Fort Wayne, Ind.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 48974 (Sub No. 3), filed January 14, 1960. Applicant: A. L. JOHNSON, doing business as JOHNSON MOTOR FREIGHT, 589 Van Buren Avenue, Barberton, Ohio. Applicant's attorney: John R. Meeks, 607 Copley Road, Akron 20, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium hypochlorite solution*, in shipper-owned special constructed tank trailers, from Barberton, Ohio to Kittanning, Armstrong County, and New Castle, Lawrence County, Pa., and empty shipper-owned trailers on return.

HEARING: June 28, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 59.

No. MC 50034 (Sub No. 26), filed March 14, 1960. Applicant: COURIER EXPRESS, INC., 115 Montgomery Street, P.O. Box 358, Logansport, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except Classes A and B explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, serving the plant site of the B. F. Goodrich Company in Milan Township, Allen County, Ind., approximately 11 airline miles or 13 highway miles from the city limits of Fort Wayne, Ind., as an off-route point in connection with carrier's regular route operations.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 52729 (Sub No. 17), filed February 24, 1960. Aplicant: Frank Fiorot, Thomas J. Waters and Merlin G. Tucker, doing business as Fiorot Trucking, Box 43, Pen Argyl, Pa. Applicant's representative: Paul B. Kemmerer, 1620 North 19th Street, Allentown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete beams, planks, slabs, lintels and cribbings*, from the site of the plant or plants of Structural Precast Co., Inc., at Raubsville, Pa., to points in New York, New Jersey, Delaware, Maryland, and the District of Columbia; *slate* and *slate products*, from Bangor, Belfast, Pen Argyl, Slatedale, Slatington and Windgap, Pa., to points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Nebraska, New Hampshire, North Dakota, Oklahoma, South Dakota,

Texas, and Wisconsin; and *refused, damaged and rejected shipments* of the commodities specified in this application on return.

HEARING: May 23, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Raymond V. Sar.

No. MC 55811 (Sub No. 63), filed March 24, 1960. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, Suite 1210-12 Fidelity Building, 111 Monument Circle, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal containers and parts thereof*, from the plant site of the Heekin Can Company approximately ½ mile east of Newton, Anderson Township, Hamilton County, Ohio, to points in Adams, Blackford, Grant, and Wells Counties, Ind., and *damaged or rejected shipments*, on return.

HEARING: June 20, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 60.

No. MC 55873 (Sub No. 31), filed March 22, 1960. Applicant: GREAT AMERICAN TRANSPORT, INC., 347 23d Street, Detroit 16, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of the Kelsey Hayes Company, located at 38481 Huron River Drive, Romulus, Mich., as an off-route point in connection with applicant's presently certificated authority.

HEARING: June 14, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 56155 (Sub No. 4), filed March 24, 1960. Applicant: JOHN S. EWELL, INC., East Earl, Pa. Applicant's attorneys: Robert H. Shertz and V. Baker Smith, 811-819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chilled orange juice*, in vehicles requiring refrigeration, from Philadelphia, Pa. to Baltimore, Md. and Washington, D.C., and *rejected shipments* of the commodity specified and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodity on return.

HEARING: May 24, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Raymond V. Sar.

No MC 58637 (Sub No. 4), filed March 25, 1960. Applicant: TEMPLE TRUCK LINES, INC., 122 East Oak Street, Decatur, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a common carrier, by motor vehicle, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the B. F. Goodrich Tire Company located in Milan Township, Allen County, Ind., approximately 11 to 13 miles from the city limits of Fort Wayne, Ind., on U.S. Highway 24 between County Roads Webster and Garver, as an off-route point in connection with applicants authorized regular route operations to and from Fort Wayne, Ind.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 58954 (Sub No. 34), filed March 30, 1960. Applicant: McNAMARA MOTOR EXPRESS, INC., 433 East Parsons Street, Kalamazoo, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and those requiring special equipment, serving the site of the Kelsey-Hayes Company plant located at the intersection of Northline Road and Huron River Drive, Romulus Township, Wayne County, Mich., as an off-route point in connection with applicant's authorized regular route operations between Detroit, Mich., and points in Michigan, Indiana, Wisconsin, Illinois, Missouri, and Iowa.

HEARING: June 20, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 59206 (Sub No. 16), filed March 21, 1960. Applicant: HOLLAND MOTOR EXPRESS, INC., 1 West Fifth Street, Holland, Mich. Applicant's attorney: Harry E. Yockey, Suite 1406, Morris Plan Building, 108 East Washington Street, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Serving the plant site of B. F. Goodrich Rubber Company at a point on U.S. Highway 24, approximately 13 miles east from the city limits of Fort Wayne, Ind., between county roads Webster and Garver, in connection with applicant's authorized regular route operations. (2) Between Fort Wayne, Ind.; and a point on U.S. Highway 24, approximately 13 miles west from the city limits of Fort Wayne, Ind., between county roads Webster and Garver, over U.S. Highway 24, serving no intermediate points.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 59507 (Sub No. 8), filed December 9, 1959. Applicant: EDGAR H. ALLEN & SON, INC., 825 Fairfield Avenue, Kenilworth, N.J. Applicant's attorney: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood poles* and *crossarms*, creosoted, loose, from Whitemarsh, Md., to Leesburg and Warrington, Va. Applicant is authorized to conduct operations in Connecticut, Delaware, the District of Columbia, New Jersey, New York, Pennsylvania, and Virginia.

HEARING: May 24, 1960, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 226.

No. MC 67111 (Sub No. 13), filed March 23, 1960. Applicant: KAIN'S MOTOR SERVICE CORP., West End of Bates Street, Logansport, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the B. F. Goodrich Tire Company located in Milan Township, Allen County, Ind., approximately 11 to 13 miles from the City limits of Fort Wayne, Ind., on U.S. Highway 24, between County Roads Webster and Garver, as an off-route point in connection with applicant's authorized regular route operations to and from Fort Wayne, Ind.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 67118 (Sub No. 10), filed January 27, 1960. Applicant: STRONG MOTOR LINES, INCORPORATED, P.O. Box 8821, 2311 West Main Street, Richmond 25, Va. Applicant's attorney: Dale C. Dillon, 1625 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts*, and *dairy products*, as described by the Commission in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 Appendix I, as amended in 61 M.C.C. 766, from Richmond, Va., to points in North Carolina on and east of U.S. Highway 29, and *refused, rejected and returned shipments* of the commodities specified in this application on return. Applicant states the proposed service will be under a continuing contract with Kingan Division, Hygrade Food Products Corporation.

NOTE: Applicant states it now has part of the authority sought, and does not seek duplicating authority.

HEARING: May 25, 1960, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 7.

No. MC 69833 (Sub No. 53), filed April 4, 1960. Applicant: ASSOCIATED TRUCK LINES, INC., 15 Andre Street SE., Grand Rapids, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, in bulk, and *general commodities*, except

those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk (not including Scrap metals in bulk), commodities requiring special equipment, serving points within 3 miles of Houghton Lake in Roscommon County, Mich., as off-route points in connection with applicant's regular route operations.

NOTE: Applicant states it is authorized to operate on Michigan Highway 55 along the south shore of Houghton Lake and serving all points on this route including Prudenville, Houghton Lake Village, and West Houghton Lake. Proposed authority would permit service to summer resorts and small businesses located around the lake and more than 1 mile from Michigan Highway 55.

HEARING: June 22, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 70151 (Sub No. 27), filed March 18, 1960. Applicant: UNITED TRUCKING SERVICE, INC., 3047 Lonyo Road, Detroit 9, Mich. Applicant's attorney: Archie C. Fraser, 1400 Michigan National Tower, Lansing 8, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities of unusual value, Classes A and B explosives, livestock, and commodities injurious or contaminating to other lading, serving the Ford Motor Company plant located at the intersection of Michigan Highway 218 (Wixom Road) and unnumbered highway (West Lake Drive), north of U.S. Highway 16, in Novi Township, Oakland County, Mich., as an off-route point in connection with applicant's authorized regular route operations to and from Detroit, Mich.

NOTE: Applicant states it is authorized to conduct operations between Detroit and Lansing over U.S. Highway 16, serving no intermediate points, and that the Wixom plant of Ford Motor Company is less than one (1) mile from U.S. Highway 16 and 6.1 miles from the Detroit Commercial Zone.

HEARING: June 15, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 70151 (Sub No. 28), filed March 24, 1960. Applicant: UNITED TRUCKING SERVICE, INCORPORATED, 3047 Lonyo Road, Detroit 9, Mich. Applicant's attorney: Archie C. Fraser, 1400 Michigan National Tower, Lansing 8, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Scrap metal in bulk*, and *empty containers* or other such incidental facilities used in transporting scrap metal in bulk, from (1) Dayton, Ohio, (2) Cincinnati, Ohio, (3) Indianapolis, Ind., and (4) Detroit, Mich., on the one hand, to Port Huron, Mich., on the other, over applicant's authorized routes as follows: (1)(2), from Cincinnati, Ohio over Ohio Highway 4 to Middletown, Ohio, thence over Ohio Highway 73 to junction U.S. Highway 25 via Franklin, Ohio, thence over U.S. Highway 25 to Dayton, Ohio, thence over Ohio Highway 4 to Springfield, Ohio, or over U.S. Highway 35 to Xenia, Ohio, thence over U.S. Highway 25, via Findlay, Ohio to Toledo, Ohio, and thence over U.S. Highway 25 to Port Huron, Mich., and return over the same route; (1)(2), from Cincinnati, Ohio, as specified above, to Franklin, thence over U.S. Highway 25 to Port Huron, and return over the same route; (1)(2), from Cincinnati, Ohio over U.S. Highway 25 to Franklin, Ohio, and return over the same route; (3), from Indianapolis, Ind. over Indiana Highway 67 to junction Indiana Highway 9, thence over Indiana Highway 9 via Anderson, Ind. to junction Indiana Highway 28, thence over Indiana Highway 28 to junction U.S. Highway 31, thence over U.S. Highway 31 to Peru, Ind., thence over U.S. Highway 24 to Toledo, Ohio, via Huntington, Ind. and Napoleon, Ohio, and thence over U.S. Highway 25 to Port Huron, Mich., and return over the same route; (3) from Indianapolis, Ind. to Anderson, Ind., as specified above, thence over Indiana Highway 9 to Huntington, Ind., thence over U.S. Highway 24 to junction Ohio Highway 183 via Napoleon, Ohio, thence over Ohio Highway 183 to junction unnumbered highway thence over unnumbered highway to junction U.S. Highway 24, to Detroit, Mich., and thence over U.S. Highway 25 to Port Huron, and return over the same route; (3) from Indianapolis, Ind. as specified above, to Napoleon, Ohio, thence over U.S. Highway 24 to junction Ohio Highway 183, thence over Ohio Highway 183 to junction unnumbered highway, thence over unnumbered highway to junction U.S. Highway 25, and thence over U.S. Highway 25 to Port Huron, and return over the same route; and (4) from Detroit, Mich., to Port Huron, Mich., over U.S. Highway 25, and return over the same route; and serving all intermediate and off-route points in connection with the above-described routes.

HEARING: June 20, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 9.

No. MC 70151 (Sub No. 29), filed March 30, 1960. Applicant: UNITED TRUCKING SERVICE, INC., 3047 Lonyo Road, Detroit 9, Mich. Applicant's attorney: Archie C. Fraser, 1400 Michigan National Tower, Lansing 8, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, commodities requiring special equipment, and those injurious to other lading, serving the plant site of the Kelsey-Hayes Company, located at the intersection of North Line Road and Huron River Drive, Romulus Township, Wayne County, Mich., as an off-route point in connection with applicant's authorized regular route operations, as more specifically set forth in the application.

HEARING: June 23, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 9.

No. MC 72140 (Sub No. 40), filed March 22, 1960. Applicant: SHIPPERS DISPATCH, INC., 1216 West Sample Street, South Bend, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Buliding, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the B. F. Goodrich Tire Company plant located in Milan Township, Allen County, Ind., approximately eleven (11) to thirteen (13) air line miles from the city limits of Fort Wayne, Ind., on U.S. Highway 24 between County Roads Webster and Garver, as an off-route point in connection with applicant's authorized regular route operations to and from Fort Wayne, Ind.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 73262 (Sub No. 14), filed March 10, 1960. Applicant: MERCHANTS FREIGHT SYSTEM, INC., 1401 North 13th Street, Terre Haute, Ind. Applicant's attorney: Howell Ellis, Suite 1210–12 Fidelity Building, 111 Monument Circle, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, serving the plant site of the B. F. Goodrich Tire Company, located in Milan Township, Allen County, Ind., approximately 13 miles from the city limits of Fort Wayne, Ind., on U.S. Highway 24 between county roads Webster and Garver, as an off-route point in connection with applicant's presently authorized routes in Docket No. MC 73262 (Sub No. 7).

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 74721 (Sub No. 74), filed April 4, 1960. Applicant: MOTOR CARGO, INC., 1540 West Market Street, Akron 13, Ohio. Applicant's attorney: L. C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of the B. F. Goodrich Company under construction in Milan Township, Allen County, Ind., near New Haven, Ind., at a point approximately 11 airline and 13 highway miles from the city limits of Fort Wayne, Ind., on U.S. Highway 24 between County Roads Webster and Garber, as an off-route point in connection with applicant's authorized regular route operations, subject to the restriction that no shipments shall be transported between any two points, both of which are west of the Illinois-Indiana State line.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 76032 (Sub No. 149), filed February 29, 1960. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Ap-

plicant's attorney: O. Russell Jones, P.O. Box 1437, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving to and from the plant site of the B. F. Goodrich Company, located approximately 13 miles east of Fort Wayne, Ind., on U.S. Highway 24, between Webster and Graver County Roads, as an off-route point in connection with carrier's regular route operations between Chicago, Ill., and Fort Wayne, Ind.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 77404 (Sub No. 12), filed March 23, 1960. Applicant: MOHAWK MOTOR, INC., 40 Harrison Street, Tiffin, Ohio. Applicant's attorney: Taylor C. Burneson, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, from and to the site of the B. F. Goodrich Company plant located in Milan Township, Allen County, Ind., approximately 13 miles east of Fort Wayne, Ind., as an off-route point in connection with applicant's authorized regular route operations, including operations between Toledo, Ohio, and Fort Wayne, Ind.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 81968 (Sub No. 18), filed February 5, 1960. Applicant: B & L MOTOR FREIGHT, INC., 171 Riverside Drive, Newark, Ohio. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Vehicle parts*, including *brakes, driving gears, steering gears, suspension systems parts* thereof, *accessories* thereto, and *raw materials, supplies* and *equipment*, used in the manufacture and distribution of such commodities, (1) from points in Michigan to Kenton and Newark, Ohio, and (2) from points in Ohio to Detroit, Mich.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 81968 (Sub No. 13) to determine whether applicant's status is that of a common or contract carrier. Common control may be involved.

HEARING: June 29, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 9.

No. MC83864 (Sub No. 10), filed March 23, 1960. Applicant: SECURITY CARTAGE COMPANY, INC., 1326 Polk Street, Fort Wayne 7, Ind. Applicant's attorney: Ferdinand Born, 1017–19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the B. F. Goodrich Tire Company, located in Milan Township, Allen County, Ind., approximately 11 to 13 miles from the City limits of Fort Wayne, Ind., on U.S. Highway 24 between County Roads Webster and Garver, as an off-route point in connection with applicant's authorized regular route operations to and from Fort Wayne, Ind.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 85934 (Sub No. 15), filed April 1, 1960. Applicant: MICHIGAN TRANSPORTATION COMPANY, a Corporation, 3601 Wyoming, Dearborn, Mich. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium Chloride*, in bags or other containers, on Flatbed Equipment, from Barberton, Ohio, to points in Michigan.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier. In No. MC 52978 (Sub No. 15).

HEARING: June 23, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 57.

No. MC 92273 (Sub No. 2) (Amended), filed October 19, 1959, published in FEDERAL REGISTER, issue of February 10, 1960. Applicant: JOE SAIA, 2630 Fifth Street, Sacramento, Calif. Applicant's attorney: James W. Winchell, Crocker-Angelo Bank Building, Sacramento 4, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment between Sacramento, Calif., and the junction of Nevada Highway 28 with U.S. Highway 50 near Glenbrook, Nev., (1) from Sacramento over U.S. Highway 40 through Auburn, Calif., to the junction of U.S. Highway 40 with California Highway 89 near Truckee, Calif., serving all intermediate points between the areas commonly known as Bowman, Calif., and Weimar, Calif., and all points within 5 air miles of either side of U.S. Highway 40 between Bowman and Weimar; thence from the junction of U.S. Highway 40 with California Highway 89 near Truckee, Calif., over California Highway 89 along the western side of Lake Tahoe to the junction of California Highway 89 with U.S. Highway 50 near Al Tahoe, Calif., serving all intermediate points, and all points within 5 air miles of either side of California Highway 89, between that point commonly known as Inspiration Point, Calif., and the junction of California Highway 89 with U.S. Highway 50 near Al Tahoe, Calif.; also from the junction of California Highway 89 with California Highway 28 near Tahoe City, Calif., over California Highway 28 and Nevada Highway 28 to the junction of Nevada Highway 28 with U.S. Highway 50 near Glenbrook, Nev., and thence along U.S. Highway 50 along the eastern shore of Lake Tahoe to the junction of U.S. Highway 50 with California Highway 89 near Al Tahoe, Calif., serving all intermediate points, and all points within 5 air miles of either side of California Highway 28, Nevada Highway 28, and U.S. Highway 50, between the junction of California Highway 89 with California Highway 28 near Tahoe City, Calif., and the junction of U.S. Highway 50 with California Highway 89 near Al Tahoe, Calif., and return over the same routes or over U.S. Highway 50 to Sacramento, Calif., (2) from Sacramento over U.S. Highway 50 through Placerville and the area commonly known as Stateline to the junction of U.S. Highway 50 with Nevada Highway 28 near Glenbrook, Nev., serving all intermediate points, and all points within 5 air miles of either side of U.S. Highway 50, between the area commonly known as Fresh Pond, Calif., and the junction of U.S. Highway 50 with Nevada Highway 28 near Glenbrook, Nev.; thence from the junction of U.S. Highway 50 with Nevada Highway 28 near Glenbrook, Nev., over Nevada Highway 28 and California Highway 28 to the junction of California Highway 28 with California Highway 89 near Tahoe City, Calif., and thence from the junction of California Highway 89 with California Highway 28 near Tahoe City, Calif., over California Highway 89 to the junction of California Highway 89 with U.S. Highway 40 near Truckee, Calif., serving all intermediate points, and all points within 5 air miles of either side of Nevada Highway 28, California Highway 28 and California Highway 89, between the junction of U.S. Highway 50 with Nevada Highway 28 near Glenbrook, Nev., and the junction of California Highway 89 with U.S. Highway 40 near Truckee, Calif.; also from the junction of U.S. Highway 50 with California Highway 89 near Al Tahoe, Calif., over California Highway 89 along the western side of Lake Tahoe, to the junction of California Highway 89 with U.S. Highway 40 near Truckee, Calif., serving all intermediate points, and all points within 5 air miles of either side of California Highway 89, between the junction of U.S. Highway 50 with California Highway 89 near Al Tahoe, Calif., and that point commonly known as Inspiration Point, Calif.; and return over same routes or over U.S. Highway 40 to Sacramento, Calif.

HEARING: May 25, 1960, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 78, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 95473 (Sub No. 9), filed February 29, 1960. Applicant: H. A. DAUB, INC., Reinerton, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gravel*, in bulk, from points in Cecil County, Md., to points in Delaware. *Sand* and *gravel*, in bulk, from points in

Cecil County, Md., to points in Pennsylvania, except points in Lebanon, Dauphin, Lancaster and York Counties.

HEARING: May 25, 1960, in Room 709, U.S. Appraisers' Stores Building, Gay and Lombard Streets, Baltimore, Md., before Joint Board No. 199.

No. MC 99943 (Sub No. 2), filed April 1, 1960. Applicant: ROCKANA CARRIERS, INC., P.O. Box 426, Palm River Road, Tampa, Fla. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt cake,* in bulk, from Jacksonville, Fla., and points within 15 miles thereof, to points in Florida and Georgia.

NOTE: Common control may be involved.

HEARING: May 20, 1960, at the Mayflower Hotel, Jacksonville, Florida, before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 101126 (Sub 132), filed February 8, 1960. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *common or contract* carrier, by motor vehicle, over irregular routes, transporting: *Toilet preparations,* in bulk, in tank vehicles, from Cincinnati, Ohio, to Danville, Ill., and *rejected shipments* on return.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier—No. MC 101126 (Sub No. 86).

HEARING: June 27, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 58.

No. MC 104654 (Sub No. 127), filed February 15, 1960. Applicant: COMMERCIAL TRANSPORT, INC., South 20th Street, Belleville, Ill. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia,* in bulk, from Mount Vernon, Ind., and points within five (5) miles thereof, to points in Illinois within an area bounded by a line beginning at the Illinois-Indiana State line at U.S. Highway 40, and extending west along U.S. Highway 40 to Vandalia, thence north along U.S. Highway 51 to Clinton, thence east along Illinois Highway 10 to Champaign-Urbana, thence east along U.S. Highway 150 to Danville, thence continuing east along U.S. Highway 136 to the Illinois-Indiana State line, and thence south along said State line to point of beginning, including points on the indicated portions of the highways specified, and *defective, rejected or damaged shipments* of the above-described commodity, on return.

NOTE: Applicant states it is not meant that the authority sought by this application will duplicate any authority now held.

HEARING: June 23, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21.

No. MC 104654 (Sub No. 128), filed February 18, 1960. Applicant: COMMERCIAL TRANSPORT, INC., Box 297, Belleville, Ill. Applicant's attorney: Robert H. Levy, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum and Petroleum Products,* in bulk, in tank trucks, from Rochelle, Ill., to points in Wisconsin.

HEARING: June 17, 1960, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 13.

No. MC 106798 (Sub No. 6), filed March 9, 1960. Applicant: BRIDGETON TRANSIT, 690 North Pearl Street, Bridgeton, N.J. Applicant's attorney: Robert G. Howell, 102 West Broad Street, Bridgeton, N.J. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Express, mail* and *newspapers* in the same vehicles with passengers, between Bridgeton, N.J., and New York, N.Y.: from the bus terminal on South Laurel Street in Bridgeton over New Jersey Highway 49 and Main Street in Millville, N.J., to Buck Street in Millville, thence over Buck Street to Oak Street, thence over Oak Street to High Street, thence over High Street, and Delsa Drive (New Jersey Highway 47) to junction Landis Avenue in Vineland, N.J., thence over Landis Avenue to East Avenue, thence over East Avenue to Wheat Road, thence over Wheat Road to Buena, N.J., thence over New Jersey Highway 54 to Hammonton, N.J., thence over U.S. Highway 206 to junction Old Indian Trail, thence over Old Indian Trail through Indian Mills, Medford Lakes, Fairview, Medford, and Lumberton, N.J., to junction Washington Street in Mount Holly, N.J., thence over Washington Street, Main Street, High Street and unnumbered highway to junction New Jersey Turnpike, thence over New Jersey Turnpike to the Elizabeth, N.J., Interchange, thence over Atlantic Street, Trenton Avenue, Elizabeth, to Bayway, thence over Bayway to Atlantic Circle, thence over U.S. Highway 1 and New Jersey Highway 21 (McCarter Highway) to Raymond Boulevard in Newark, N.J., thence over Raymond Boulevard and Raymond Plaza West to Pennsylvania Bus Terminal, thence over Raymond Plaza East, Raymond Boulevard, Market Street, Ferry Street and Raymond Boulevard to New Jersey Turnpike to junction approach to Lincoln Tunnel, thence through the Lincoln Tunnel to New York City; and return through Lincoln Tunnel to junction approach of the New Jersey Turnpike, thence over New Jersey Turnpike to Newark-Jersey City Interchange, thence over Raymond Boulevard to Pennsylvania Bus Terminal, thence over Raymond Plaza East and Raymond Boulevard to New Jersey Highway 21 (McCarter Highway), thence over the above described route to Bridgeton, N.J., serving the intermediate points of Millville, Vineland, Buena, Hammonton, Medford Lakes, Medford, Lumberton, Mount Holly, and Westampton, N.J. Between Elizabeth, N.J., Interchange of the New Jersey Turnpike and Newark-Jersey City, N.J., Interchange of the New Jersey Turnpike as an alternate route for operating convenience only in connection with the routes specified above, serving no intermediate points and serving the termini for the purpose of joinder only: From Elizabeth, N.J., Interchange of the New Jersey Turnpike over New Jersey Turnpike to the Newark-Jersey City, N.J., Interchange of the New Jersey Turnpike, and return over the same route. Between junction U.S. Highway 206 and New Jersey Secondary Highway 541 (near Atsion, N.J.) and junction New Jersey Turnpike (Interchange No. 7) and U.S. Highway 206 (near Bordentown, N.J.) serving no intermediate points: From junction U.S. Highway 206 and New Jersey Secondary Highway 541 over U.S. Highway 206 to junction New Jersey Turnpike (Interchange No. 7), and return over the same route, as an alternate route for operating convenience only in connection with carrier's authorized regular-route operations.

NOTE: Applicant has authority to transport passengers and their baggage over the above routes, and the purpose of this application is to include express, mail and newspapers in the same vehicle with passengers.

HEARING: May 25, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Raymond V. Sar.

No. MC 106943 (Sub No. 69), filed February 11, 1960. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* except Class A and B explosives, livestock, grain, petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment. Serving the site of the plant of the General Electric Company, approximately two miles southwest of Mount Vernon, Ind., as an off-route point in connection with carrier's authorized regular route operations to and from Evansville, Ind.

HEARING: June 16, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 107640 (Sub No. 44), filed April 6, 1960. Applicant: MIDWEST TRANSFER COMPANY OF ILLINOIS, a Corporation, 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: Dale C. Dillon, 1820 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common or contract carrier,* by motor vehicle, over irregular routes transporting: *Aluminum siding* and *parts accessories and materials* used in the installation thereof, from Chicago Heights, Ill., to points in Michigan, Indiana, Ohio, Wisconsin, Iowa, St. Louis County, Mo., and St. Louis, Mo., Omaha, Nebr., and Newport, Covington, Louisville, Owensboro, Henderson, Carrollton, and Paducah, Ky.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 107640 Sub No. 36, to determine whether applicant's status is that of a common or contract carrier.

HEARING: May 5, 1960, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Warren C. White.

No. MC 107906 (Sub No. 15), filed March 15, 1960. Applicant: TRANSPORT MOTOR EXPRESS, INC., P.O. Box 958, Meyer Road, Fort Wayne, Ind. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the B. F. Goodrich Company plant, located in Milan Township, Allen County, Ind., approximately 11 miles from Fort Wayne, Ind. on U.S. Highway 24 between County Roads Webster and Garver, as an off-route point in connection with applicant's authorized regular route operations to and from Fort Wayne, Ind.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 108001 (Sub No. 12), filed November 6, 1959. Applicant: OHIO-TRI COUNTY TRUCKING CO., 21262 Telegraph Road, Detroit, Mich. Applicant's attorney: Alex M. Clark, Indiana Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in dump vehicles, (1) from points in Wayne County, Mich., to Indiana and (2) from points in Monroe County, Mich., and the Port of Entry on the International Boundary line between the United States and Canada at Detroit, Mich., and points in Cuyahoga and Lake Counties, Ohio to Indiana, and *empty containers or other such incidental facilities*, used in transporting salt and *damaged, rejected or refused shipments of salt*, on return. Applicant is authorized to conduct operations in Indiana, Michigan, and Ohio.

HEARING: June 21, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 9.

No. MC 108129 (Sub No. 1), filed February 24, 1960. Applicant: HERMAN BRUNO, 24 East Fourth Street, Bridgeport, Pa. Applicant's attorney: William F. Fox, 317 Swede Street, Norristown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime, limestone, stone and stone products*, from Devault and Swedeland, Pa., to points in Delaware, New Jersey, and that part of Maryland on and east of U.S. Highway 111 and the Chesapeake Bay, and points in that part of Virginia east of the Chesapeake Bay.

HEARING: May 23, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Raymond V. Sar.

No. MC 108298 (Sub No. 25), filed March 21, 1960. Applicant: ELLIS TRUCKING CO., INC., 1600 Oliver Avenue, Indianapolis, Ind. Applicant's attorney: Harry E. Yockey, 1406 Morris Plan Building, 108 East Washington Street, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Fort Wayne, Ind., and a point on U.S. Highway 24 approximately 13 miles east of Fort Wayne: from Fort Wayne over U.S. Highway 24 to a point approximately 13 miles east from the Fort Wayne City limits, between County roads Webster and Garver, and return over the same route, serving no intermediate points, and serving the B. F. Goodrich Rubber Company at its new plant and site now being erected at said point.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 108984 (Sub No. 6), filed March 10, 1960. Applicant: C. L. DeLONG TRUCKING, INC., Willis Street Box 98, Bedford, Ohio. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar* and *creosote oil*, in bulk, in tank vehicles, between Cleveland and East Liverpool and Wellsville, Ohio.

NOTE: Applicant states the proposed operations will be restricted to shipments having a prior or subsequent movement by barge on the Ohio River.

HEARING: June 29, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 109095 (Sub No. 9), filed March 23, 1960. Applicant: ANDERSON MOTOR SERVICE, INC., 1516 North 14th Street, St. Louis 6, Mo. Applicant's attorney: Gregory M. Rebman, 1230 Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the B. F. Goodrich Tire Company plant located in Milan Township, Allen County, Ind., approximately eleven (11) airline or thirteen (13) highway miles from the city limits of Fort Wayne, Ind., on U.S. Highway 24 between County Roads Webster and Garver, as an off-route point in connection with applicant's authorized regular route operations under Certificate No. MC 109095 and Subs thereunder.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 109873 (Sub No. 13), filed April 4, 1960. Applicant: EXPRESSWAYS, INC., 1023 Wayne Street, P.O. Box 210, Angola, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of the B. F. Goodrich Tire Company located in Milan Township, Allen County, Ind., approximately 11 to 13 air line miles from the city limits of Fort Wayne, Ind., on U.S. Highway 24 between County Roads Webster and Garver, as an off-route point in connection with applicant's authorized regular route operations to and from Fort Wayne, Ind.

HEARING: June 13, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 111545 (Sub Nos. 34, 35, 36, 37 and 38) (CLARIFICATION), filed September 2, 1959, published in the April 13, 1960, issue of the FEDERAL REGISTER. Applicant: HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Marietta, Ga. Applicant's attorney: Paul M. Daniell, 213–217 Grant Building, Atlanta 3, Ga. Appendix VIII referred to therein is a list of articles comprising "Road Construction Machinery and Equipment".

No. MC 112063 (Sub No. 3) (Correction), filed January 29, 1960, published in the FEDERAL REGISTER, issue of March 23, 1960. Applicant: P. I. & I. MOTOR EXPRESS, INC., 836 South Irvine Avenue, Masury, Ohio. Applicant's representative: J. J. Kuhner, 736 Society for Savings Building, Cleveland, Ohio. Application as previously published in the FEDERAL REGISTER, issue of March 23, 1960, indicated carrier's address as Sharon, Pa. The carrier is actually located at Masury, Ohio, same number and street address as shown above.

HEARING: Remains as assigned May 6, 1960, at the New Federal Building, Pittsburgh, Pa., before Examiner James A. McKiel.

No. MC 112713 (Sub No. 87), filed January 4, 1960. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City, Mo. Applicant's attorney: John M. Records, 1626 Walnut Street, Kansas City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Evansville, Ind., and Mt. Vernon, Ind.: from Evansville over Indiana Highway 62 to Mt. Vernon, and return over the same route, and (2) between New Harmony, Ind., and Mt. Vernon, Ind.: from New Harmony over Indiana Highway 69 to Mt. Vernon, and return over the same route, serving, in connection with the above-described routes (1) and (2), the plant site of the General Electric Company at Mt. Vernon, Ind. Applicant is authorized to conduct operations in Illinois, Kansas, Oklahoma, Missouri, Texas, Indiana, Kentucky, Michigan, and Ohio.

HEARING: June 16, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 114021 (Sub No. 9), filed April 7, 1960. Applicant: MIDWEST TRANSFER COMPANY OF ILLINOIS, a Corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement pipe containing asbestos fibre*, and *accessories* therefor, from Waukegan, Ill., to points in Minnesota, North Dakota, and South Dakota, and *exempt commodities* on return.

NOTE: Applicant also has contract carrier authority under MC 107640 and Subs thereunder. A proceeding has been instituted under section 212(c) in No. MC 107640 (Sub No. 36) to determine whether applicant's status is that of a common or contract carrier. Dual authority under section 210 or common control may be involved.

HEARING: May 18, 1960, at the Randolph Hotel, Des Moines, Iowa, before Examiner Garland E. Taylor.

No. MC 114061 (Sub No. 4), filed February 5, 1960. Applicant: HARRY SCHNEIDER AND ROSE SCHNEIDER, doing business as SCHNEIDER'S TRANSFER COMPANY, Fourth and Maury Streets, Richmond, Va. Applicant's attorney: Henry E. Ketner, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and sherbet confections* and *ice cream*, from Richmond, Va., to Charleston, Clarksburg, Huntington, Logan, Parkersburg, and Wheeling, W. Va., and *empty containers* used in transporting the above-described commodities on return.

HEARING: May 26, 1960, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 245.

No. MC 114492 (Sub No. 7) REPUBLICATION, filed June 29, 1959, published FEDERAL REGISTER, issue March 23, 1960. Applicant: TRANSPORT TRUCKING CO. OF TEXAS, a Corporation, P.O. Box 36, Texico, N. Mex. Applicant's attorney: Harold O. Waggoner, 207 Third Street, NW., Albuquerque, N.Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Camping trailers* from Amarillo, Tex., to points in the United States, including Alaska, and *rejected, refused or damaged shipments* of the above-described commodity, on return. Applicant is authorized to conduct operations in Colorado, New Mexico, Texas, Arizona, and Utah.

HEARING: Remains as assigned May 25, 1960, at the Hilton Hotel, Albuquerque, N. Mex., before Examiner Jerry F. Laughlin.

No. MC 114608 (Sub No. 4), filed March 29, 1960. Applicant: FURNITURE CAPITAL TRUCK LINES, INC., 1621 Century Avenue SW., Grand Rapids, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dishwashers and parts* thereof, when transported at the same time and in the same vehicle, from Connersville, Ind., to Grand Rapids, Mich., and *refused, rejected or damaged shipments* of the above-described commodities on return.

NOTE: Applicant states the proposed operations shall be limited to a transportation service to be performed under a continuing contract or contracts with Kelvinator Division of American Motors Corporation.

HEARING: June 14, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 23.

No. MC 115504 (Sub No. 15), filed February 23, 1960. Applicant: KENISON TRUCKING, INC., 413 South Second West, Salt Lake City, Utah. Applicant's attorney: Bartly G. McDonough, 10 Executive Building, 455 East Fourth South, Salt Lake City, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate, dry fertilizers*, including but not limited to ammonium sulphate, under contract with Columbia-Geneva Steel Division, United States Steel Corporation, from Geneva, Utah, to points in California.

HEARING: June 7, 1960, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Reece Harrison.

No. MC 115757 (Sub No. 24), filed March 29, 1960. Applicant: BULK MOTOR TRANSPORT, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Applicant's attorney: Thomas N. Dowd, Ring Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour* in bulk, (1) from St. Louis, Mo., to points in Illinois and (2) between points in Illinois, Indiana, Ohio, and the Lower Peninsula of Michigan.

HEARING: May 3, 1960, at the offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Reece Harrison.

No. MC 116291 (Sub No. 4), filed April 5, 1960. Applicant: JAMES ROBERT HILTON, P.O. Box 749, Brawley, Calif. Applicant's attorney: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feed*, from the port of entry on the International Boundary line between the United States and Mexico at or near Calexico, Calif., to points in Imperial and Riverside Counties, Calif.

HEARING: June 6, 1960, at the Federal Building, Los Angeles, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 116291 (Sub No. 5), filed April 5, 1960. Applicant: JAMES ROBERT HILTON, P.O. Box 749, Brawley, Calif. Applicant's attorney: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed cake, flake and meal* and *livestock feed*, from the port of entry on the International Boundary line between the United States and Mexico at or near Calexico, Calif., to points in Yuma, Maricopa, Pinal, and Pima Counties, Ariz.

HEARING: June 7, 1960, at the Federal Building, Los Angeles, Calif., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 117111 (Sub No. 2), filed January 20, 1960. Applicant: MILDRED VIRGINIA TALLEY, Route 3, Beaverdam, Va. Applicant's attorney: Henry E. Ketner, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aplite rock, rutile and ilmenite minerals*, and other *titanium ores*, in bulk, in loose bag shipments, and in bag pallet, from points in Beaverdam District, Hanover County, Va., to Beaverdam, Va., on traffic having a subsequent movement by rail.

HEARING: May 26, 1960, at the U.S. Court Rooms, Richmond, Virginia, before Joint Board No. 108.

No. MC 117130 (Sub No. 2), filed March 18, 1960. Applicant: EDWIN CARL JOHNSON, doing business as DENVER AND SOUTHWEST, 1135 Grant Street, Denver, Colo. Applicant's attorney: Michael T. Corcoran, 1360 Locust Street, Denver 20, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities in bulk requiring special equipment, between San Bernardino, Calif., and San Diego, Calif., over U.S. Highway 395, serving intermediate and off-route points located within 6 miles of U.S. Highway 395. This is filed as an extension of the authority applied for by the same applicant in MC-117130 wherein regular-route authority is sought between Denver, Colo., and Los Angeles, Calif., serving among others the intermediate point of San Bernardino.

HEARING: June 8, 1960, at the Federal Building, Los Angeles, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 117236 (Sub No. 6), filed April 5, 1960. Applicant: WALTER L. EDWARDS, 119 C Street, Brawley, Calif. Applicant's attorney: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over, irregular routes, transporting: *Livestock feed*, from the port of entry on the International Boundary line between the United States and Mexico at or near Calexico, Calif., to points in Imperial and Riverside Counties, Calif.

HEARING: June 6, 1960, at the Federal Building, Los Angeles, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 118362 (Sub No. 2) (Clarification), filed March 7, 1960, published in the April 6 issue of the FEDERAL REGISTER. Applicant: E. F. BUSHMAN, doing business as SAWYER DRAY LINE, 341 North Third Avenue, Sturgeon Bay, Wis. Applicant's attorney: Robert R. Hendon, Investment Building, Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen fruits;* (2) *frozen berries;* (3) *frozen fruit and berry concentrates;* (4) *fruit*

and berry concentrates, and *fruit and berry juices,* not frozen, but requiring refrigeration; (5) *canned fruits;* (6) *canned berries;* (7) *processed and manufactured products of fruits and berries;* and (8) *fresh fruit,* and *fresh berries,* when transported on the same vehicle, and at the same time with the nonfrozen commodities described above, (A) between points in Brown, Door, and Kewaunee Counties, Wis., on the one hand, and, on the other, points in Arkansas, Arizona, California, Colorado, Idaho, Illinois, Iowa, Indiana, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Washington, and Wyoming: (B) between points in Brown, Door, and Kewaunee Counties, Wis., and Arkansas, Arizona, California, Colorado, Idaho, Illinois, Iowa, Indiana, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Washington, and Wyoming.

HEARING: Remains as assigned June 20, 1960, at the New County Court House, Sturgeon Bay, Wis., before Examiner Michael B. Driscoll.

No. MC 118950 (Sub No. 1) (Correction) filed March 14, 1960, published in FEDERAL REGISTER, issue of April 6, 1960. Applicant: JAY T. LOGAN, 1230 Country Club Drive, Lancaster, Pa. Applicant's attorney: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Pulpboard,* not corrugated or indented, from Whippany and Clifton, N.J., to that part of Pennsylvania on and east of U.S. Highway 15 and Bigelerville, Johnstown, Jeannette, Monaca, and Pittsburgh, Pa., and *empty containers, or other such incidental facilities* used in transporting the commodities specified in this application on return.

NOTE: The purpose of this republication is to correctly reflect that applicant seeks authority to points in Pennsylvania *on and east* of U.S. Highway 15.

HEARING: Remains as assigned May 6, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 119226 (Sub No. 12), filed March 17, 1960. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis 27, Ind. Applicant's attorney: Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier,* by motor vehicle over irregular routes, transporting: *Liquid toilet preparations,* from St. Bernard, Ohio to Danville, Ill.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 108678 (Sub No. 21).

HEARING: June 27, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 58.

No. MC 119268, filed October 22, 1959. Applicant: OSBORN, INC., 124 Court Street, Gadsden, Ala. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Bananas,* from points in Alabama, Louisiana, Florida, and Texas to points in Alabama, Georgia, and Tennessee; (2) *Frozen fruits, frozen berries,* and *frozen vegetables,* from points in California, Idaho, and Oregon to points in Alabama, Georgia, Florida, Tennessee, North Carolina, and South Carolina; and (3) *Exempt commodities,* from the above-specified destination points to the respective origin points.

HEARING: June 23, 1960, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Allen W. Hagerty.

No. MC 119335, filed November 27, 1959. Applicant: ELMER J. FEDDELER, doing business as ELMER FEDDELER & SONS, R.R. No. 1, Box 258, Lowell, Ind. Applicant's attorney: William J. Guenther, 1511-14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Rock salt,* in bulk, in tank vehicles, from Chicago, Ill., to points in Indiana; (2) *Sand, gravel,* and *crushed stone,* in dump vehicles, from Thornton, Ill., and points within five (5) miles of Kankakee, Ill., including Kankakee, to points in Lake County, Ind., on and south of Indiana Highway 2 and points in Newton County, Ind., on and north of Indiana Highway 114; and (3) *Sand* and *gravel,* in dump vehicles, from Morocco and Lowell, Ind., to Momence, Kankakee, Grant Park, Beecher, Crete, Chicago Heights, and Chicago, Ill.

HEARING: June 23, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21.

No. MC 119405, filed January 4, 1960. Applicant: HOWARD L. MUNK, doing business as MUNK TRUCKING, 1127 Colorado Street, Salt Lake City, Utah. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Bananas, frozen fruits, frozen berries, frozen vegetables,* in straight and in mixed loads with *certain exempt commodities,* from Bay Areas of Los Angeles and San Francisco, Calif., to Salt Lake City, Utah, and *empty containers or other such incidental facilities,* (not specified) used in transporting the above-mentioned commodities on return.

HEARING: June 6, 1960, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Reece Harrison.

No. MC 119528, filed February 23, 1960. Applicant: ARNOLD FRALEY, Route No. 2, Chesapeake, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Sand and gravel,* from Union Township (the site of Wilson Sand and Gravel Company, with whom applicant maintains individual contracts or agreements) Lawrence County, Ohio, to points in Cabell and Wayne Counties, W. Va., and Boyd County, Ky.

HEARING: June 28, 1960, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 62.

No. MC 119544, filed February 29, 1960. Applicant: VIRGIL DEAN, EARL DEAN, RALPH DEAN and ELMER DEAN, doing business as DEAN AND SONS (Partnership), Rural Route 3, Linton, Ind. Applicant's attorney: Kern G. Beasley, Citizens National Bank Building, Linton, Ind. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, construction and building materials of all kinds,* from the site of the Wickes Lumber Company yard located three miles west of Bloomfield, Ind., to points in the counties of: Posey, Vanderburg, Gibson, Warrick, Spencer, Pike, Dubois, Perry, Crawford, Orange, Martin, Knox, Daviess, Lawrence, Washington, Harrison, Floyd, Clark, Scott, Jefferson, Ripley, Jennings, Jackson, Decatur, Bartholomew, Brown, Monroe, Greene, Sullivan, Vigo, Clay, Owen, Morgan, Johnson, Shelby, Rush, Hancock, Marion, Hendricks, Putnam, Parks, Vermillion, Fountain, Warren, Montgomery, Tippecanoe, Boone, Clinton, Hamilton, and Madison, Ind., and White, Wayne, Edwards, Wabash, Lawrence, Richland, Clay, Effingham, Jasper, Crawford, Cumberland, Clark, Coles, and Edgar, Ill.; and Union, Henderson, Daviess, Hancock, Breckinridge, Meade, Jefferson, Oldham, and Trimble, Ky., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in this application on return.

HEARING: June 22, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21.

No. MC 119559, filed March 4, 1960. Applicant: DONALD HATHAWAY, doing business as CONTRACT HAULERS, R. No. 1, Adrian, Mich. Applicant's attorney: Yale Leland Kerby, 120 North Summit Street, Morenci, Mich. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Sand, gravel, stone, limestone* (not agricultural lime), *pebbles, cinders, aggregates, asphalt black top, dirt, fill material, marl, dry and wet batch mix, bricks,* and *cement blocks,* in less than 3,000 pound lots, *cement* (not exceeding 25 bags to a load), in dump trucks or dump trailers only, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, (a) between points in Lenawee County, Mich.; and (b) from Adrian and Tecumseh, Mich, to Toledo, Perrysburg, and Maumee, Ohio; and *Bituminous aggregates, asphalt black top, chips* (stone), *coltarlithic products, dry or wet concrete batch* (mixed or unmixed), *dirt, earth, marl,* and *fill material or borrow material for subfill,* in dump trucks or dump trailers, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, (a) between points in the Lower Peninsula of Michigan, except that no operations

shall be performed in Genessee, Macomb, Monroe, Oakland, Washtenaw, and Wayne Counties, Mich.; and (b) from Adrian and Tecumseh, Mich., to Toledo, Perrysburg, and Maumee, Ohio.

NOTE: Applicant indicates he proposes to transport empty containers or other such incidental facilities (not specified) on return movements.

HEARING: June 15, 1960, at the Olds Hotel, Lansing, Mich., before Joint Board No. 57.

No. MC 119577 (Sub No. 2), filed March 23, 1960. Applicant: TERRY TRUCKING SERVICE, INC., R.R. No. 3, P.O. Box 502, Ottawa, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry fertilizer,* in bulk, from Chicago Heights, Ill., to points in Indiana.

HEARING: June 16, 1960, at the Pick-Congress Hotel, Chicago, Ill., before Joint Board No. 21.

No. MC 119591, filed March 18, 1960. Applicant: ROBERT L. RAMSEY, 125 Kelly Street, Hobart, Ind. Applicant's attorney: Ferdinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes transporting: *Gasoline, Kerosene, No. 1 and No. 2 fuel oils,* in bulk, in tank vehicles from Griffith, Ind., to the bulk plant sites of the Lansing Oil Company, Lansing, Ill.

HEARING: June 22, 1960, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 281), filed March 18, 1960. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, General Counsel, Law Department, Public Service Coordinated Transport (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Passengers* and their *baggage,* and *express* and *newspapers,* in the same vehicle with passengers, within Irvington, N.J.: from junction Garden State Parkway and Exit 143A over access roads and Western Parkway to junction Madison Avenue, thence over Madison Avenue to junction North Maple Avenue, thence over North Maple Avenue to junction Springfield Avenue, and return over the same route, serving all intermediate points.

HEARING: May 23, 1960, at Room 212 State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 3647 (Sub No. 282) filed March 30, 1960. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, General Counsel, Public Service Coordinated Transport (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Passengers and their baggage,* and *express* and *newspapers* in the same vehicle with passengers, within Tenafly, N.J., as follows: Southbound (to New York) over River Edge Road to junction Piermont Road, thence over Piermont Road to junction Highwood Avenue thence over Highwood Avenue to junction East Clinton Avenue, thence over East Clinton Avenue to junction Dean Drive (Front Street), thence over Dean Drive to junction Huyler Avenue, thence over Huyler Avenue to junction Westervelt Avenue. Northbound (from New York) over Westervelt Avenue to junction Huyler Avenue, thence over Huyler Avenue to junction Dean Drive, thence over Dean Drive to junction East Clinton Avenue, thence over East Clinton Avenue to junction County Road, thence over County Road to junction Hillside Avenue, thence over Hillside Avenue to junction Highwood Avenue, thence over Highwood Avenue to junction Jay Street, thence over Jay Street to junction River Edge Road, thence over River Edge Road to junction East Main Street. Also from junction Hillside Avenue and County Road over County Road to junction Jay Street, thence over Jay Street to junction Highwood Avenue.

NOTE: Applicant states the above-described is a proposed change from their present route within Tenafly, N.J.

HEARING: May 24, 1960, in Room 212 State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 3647 (Sub No. 287), filed April 8, 1960. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, 180 Boyden Street, Maplewood, N.J. Applicant's attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express* and *newspapers,* in the same vehicle with passengers, between New Brunswick, N.J., and East Brunswick, N.J., (1) from New Brunswick, over Georges Road, North Brunswick, to junction Milltown Road, thence over Milltown Road and Main Street, through Milltown to junction Main Street, East Brunswick, thence over Main Street to junction Milltown Road, thence over Milltown Road to junction Ryders Lane. thence over Ryders Lane to junction Dunham's Corner Road, thence over Denham's Corner Road to East Brunswick Public Works building, and return over the same route, serving all intermediate points. (2) From New Brunswick over U.S. Highway 1 to junction Milltown Road and Main Street, North Brunswick, and return over the same route, serving all intermediate points.

HEARING: May 27, 1960, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

No. MC 13300 (Sub No. 66), filed February 9, 1960. Applicant: CAROLINA COACH COMPANY, a Corporation, 1201 South Blount Street, Raleigh, N.C. Applicant's attorney: James E. Wilson Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express* and *newspapers* in the same vehicle with passengers, between Hampton, Va., and Willoughby Spit, Norfolk, Va.: from Hampton over the Hampton Roads Bridge-Tunnel, designated combined U.S. Highway 60 and Virginia Highway 168, to Willoughby Spit, Norfolk, and return over the same route, serving no intermediate points.

HEARING: May 27, 1960, at the U.S. Court Rooms, Richmond, Va., before Joint Board No. 108.

No. MC 63390 (Sub No. 6), filed March 7, 1960. Applicant: CARL R. BIEBER, INC., Vine and Baldy Streets, Kutztown, Pa. Applicant's attorney: John W. Dry, 541 Penn Street, Reading, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over a regular route, transporting: *Passengers and their baggage,* and *express, parcels,* and *newspapers,* in the same vehicle with passengers, between Reading, Pa., and New York, N.Y., from Reading over U.S. Highway 222 to junction U.S. Highway 309, thence over U.S. Highway 309 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction U.S. Highway 1, thence over U.S. Highway 1 to junction New Jersey Turnpike entrance 14, thence over New Jersey Turnpike to exit 16 and junction U.S. Highway 3, thence over U.S. Highway 3 through Lincoln Tunnel, thence over city streets and highways to the Port Authority, Eighth Avenue and 40th Street, New York City, and return over the same route, serving the intermediate points of Kutztown, and Wescosville, Pa.

HEARING: May 26, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 42, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

No. MC 106798 (Sub No. 6), filed March 9, 1960. Applicant: BRIDGETON TRANSIT, 690 North Pearl Street, Bridgeton, N.J. Applicant's attorney: Robert G. Howell, 102 West Broad Street, Bridgeton, N.J. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Express, mail and newspapers* in the same vehicle with passengers.

NOTE: See description of routes and territory proposed to be served listed under property authority applications, this issue.

HEARING: May 25, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Raymond V. Sar.

No. MC 109802 (Sub No. 16), filed April 11, 1960. Applicant: LAKELAND, BUS LINES, INC., 1060 Broad Street, Newark 2, N.J. Applicant's attorney: Bernard F. Flynn, Jr., Industrial Building, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier,* by motor vehicle, over regular and irregular routes, transporting: *Passengers and their baggage,* and *express* in the same vehicle with passengers, (A) over regular routes, in year-round operations, between Maplewood, N.J., and New York, N.Y., as follows: (1) beginning in Maplewood Township, N.J., at junction of Wyoming Avenue and Chestnut Street and Glen Avenue, thence via Chestnut Street and Glen Avenue to Maplewood Avenue, thence via Maplewood Avenue to its

junction with Baker Street, thence via Baker Street to its junction with Valley Street, and thence via Valley Street to its junction with South Orange Avenue, South Orange, N.J.; also from junction Maplewood Avenue and Baker Street, Maplewood Township, N.J., via continuance on Maplewood Avenue to Durand Road, thence via Durand Road to its junction with Ridgewood Road, Maplewood Township, N.J., thence over Ridgewood Road to its junction with South Orange Avenue, South Orange, N.J., and thence via South Orange Avenue to its junction with Valley Street, South Orange, N.J.; also, in Maplewood Township, N.J., operations over Ridgewood Road between its junction at Glen Avenue and its junction at Durand Road, using connecting streets between Ridgewood Road and Maplewood Avenue in this vicinity, as local traffic regulations now or in the future are required; thence, from said junction of South Orange Avenue and Valley Street, South Orange, N.J., east to junction South Clinton Street and South Orange Avenue at the East Orange-Newark boundary, thence over South Clinton Street to its junction with Central Avenue in the Town of East Orange, thence over Central Avenue to the Garden State Parkway, utilizing such city streets and approaches as are or will be required by local traffic regulations in that area; also, from junction Valley Street and South Orange Avenue in the Village of South Orange, east over South Orange Avenue to its junction with South Munn Avenue in the City of Newark, thence over South Munn Avenue to its junction with Central Avenue in the Town of East Orange, thence over Central Avenue to the Garden State Parkway, Town of East Orange, utilizing approaches and local city streets now required or that may be required under local traffic conditions for access to the Parkway and for egress from the Parkway on operations from New York, particularly the exit ramps designated as 145 and 145A; thence, continuing via the Garden State Parkway to its junction with State Highway 3 in Clifton, N.J., and thence via State Highway 3 to the Lincoln Tunnel Approaches in North Bergen, N.J., and thence via said approaches to the Lincoln Tunnel and via the Lincoln Tunnel to the Borough of Manhattan, New York, N.Y., more particularly, the Port of New York Authority Bus Terminal. (2) Return from the Borough of Manhattan, New York, N.Y., via the Lincoln Tunnel, over the routes and streets hereinbefore described and set forth, serving all intermediate points on the aforesaid routes in the Township of Maplewood, Village of South Orange, City of Newark and the Town of East Orange, N.J., between the Garden State Parkway access ramps and Maplewood, N.J. (3) Going to New York, service will be maintained to all riders between the terminal point in Maplewood, N.J., and all points on the hereinbefore-described routes between said terminal points in Maplewood, N.J., and the Garden State Parkway in East Orange, N.J., from which point to New York, express service will be maintained with no service to intermediate points. Outbound from New York no discharges will be made and no intermediate points served until leaving the Garden State Parkway at or in the vicinity of Central Avenue, East Orange, N.J., from which point passengers will be discharged where they desire to be discharged at all points of the route proposed to be served, up to and including the termini at Maplewood, N.J. (B) over irregular routes, in special round-trip operations, seasonal according to need, demand, etc., beginning and ending at Maplewood, South Orange, East Orange and Newark, N.J., and extending to the following: (1) Circle Tour in Florida, (2) Tour to Lake George, Lake Champlain, N.Y., thence into Canada, returning via Niagara Falls, N.Y., (3) Tour to Newark and Niagara Falls, N.Y., and also via other points of entry subsequent to Canadian Tours, (4) New England Tour to Portland, Maine, Crawford Notch, Old Man of the Mountain, and Flume, N.H., and White River Junction, Vt., (5) Stowe and Warren (Sugarbush Valley), Vt., (6) Tour to Williamsburg and Jamestown, Va., (7) Tour to Gettysburg, Pa., (8) Tour to Hartford, Conn., Boston and Cape Cod, Mass., and Newport, R.I., (9) Tour to Washington, D.C., and Mt. Vernon, Va., (10) Philadelphia, Pa., (11) Hershey, Pa., (12) Shartlesville, Pa., (13) Kennett Square, Pa., (14) Valley Forge, Pa., (15) Crystal Cave, Pa., (16) Pimlico, Laurel, and Bowie Race Tracks, Md., (17) Delaware Park, Del., and (18) Yonkers Race Way, Roosevelt Race Way, and Aqueduct, N.Y.

HEARING: May 23, 1960, at the U.S. Court Rooms, Newark, N.J., before Examiner Dallas B. Russell.

No. MC 115116 (Sub No. 6), filed March 25, 1960. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, N.J. Applicant's attorney: James F. X. O'Brien, 17 Academy Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express* and *newspapers*, in the same vehicle with passengers, (1) Between South Brunswick, N.J., and New Brunswick, N.J., as follows: from the junction of New Jersey Highway No. 27 and New Road in South Brunswick Township, N.J., over New Road to its junction with U.S. Highway No. 1; thence over U.S. Highway No. 1 to the City of New Brunswick, N.J., and return over the same route, serving all intermediate points. And (2) Between points in South Brunswick, N.J., as follows: from the junction of New Jersey Highway No. 27 and Franklin Park Road in South Brunswick, N.J., over Franklin Park Road to its intersection with U.S. Highway No. 1, in South Brunswick Township, N.J., and return over the same route serving all intermediate points.

HEARING: May 27, 1960, at Room 212 State Office Building, 1100 Raymond Boulevard, Newark, N.J., before Joint Board No. 119.

Application for Brokerage License

Motor Carrier of Passengers

No. MC 12725, filed February 23, 1960. Applicant: WILLIAM L. MacDONALD, doing business as PHILADELPHIA TRAVEL EXCHANGE, 328 Lafayette Building, Fifth and Chestnut Streets, Philadelphia 6, Pa. Applicant's attorney: Patrick T. Ryan, Drinker, Biddle, and Reath, 1100 Philadelphia National Bank Building, Philadelphia 7, Pa. For a license (BMC 5) to engage in operations as a broker at Philadelphia, Pa., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, in round-trip, special and charter, all-expense tours, beginning and ending at Philadelphia, Pa., and points in Pennsylvania, and extending to points in the United States, including Ports of Entry on the International Boundary line between the United States and Canada.

HEARING: May 24, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 65, or, if the Joint Board waives its right to participate, before Examiner Raymond V. Sar.

Applications in Which Handling Without Oral Hearing Is Requested

Motor Carriers of Property

No. MC 10345 (Sub No. 80), filed April 12, 1960. Applicant: C & J COMMERCIAL DRIVEAWAY, INC., Lansing, Mich. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles* and *new trucks*, by truckaway and driveaway, (1) in initial movements from Lansing, Mich., to points in Nebraska, and (2) in secondary movements from Chicago, Ill., to points in Nebraska.

No. MC 20992 (Sub No. 8), filed March 31, 1960. Applicant: WILLIAM DOTSETH, Rural Route, Knapp, Wis. Applicant's attorney: W. P. Knowles, New Richmond, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, irregular routes, transporting: *Agricultural machinery and implements* together with *hay tools*, including *conditioners, mowers, rakes*, and *choppers*, from Coldwater, Ohio to points in that part of Northwestern Wisconsin west of U.S. Highway 13 and north of U.S. Highway 16, and *returned, damaged, defective and traded-in shipments*, of the above specified commodities, on return.

No. MC 27970 (Sub No. 34), filed April 12, 1960. Applicant: CHICAGO EXPRESS, INC., Third and Adams Streets, Kearny, N.J. Applicant's attorney: Thomas F. Kilroy, Suite 610–1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, and except Classes A and B explosives, bullion, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, between Cleveland, Ohio and junction of U.S. Highways 21 and 224 west of Akron, Ohio, over U.S. Highway 21, with no service at either termini and serving Richfield, Ohio only for the purpose of

gaining access to maintenance and repair facilities at Richfield, Ohio. No authority is sought to perform any pick-up, delivery, or interchange service at Richfield.

No. MC 35439 (Sub No. 8), filed April 11, 1960. Applicant: HENRY SAMPLE, JR., RAYMOND SAMPLE, JAMES McCULLOUGH, AND JAMES T. NICHOLS, doing business as SAMPLE TRUCK LINES, Crossover Drive, Tupelo, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Birmingham Ridge, Miss., approximately thirteen (13) miles northwest of Tupelo, Miss., as an off-route point in connection with applicant's authorized regular route operations between Memphis, Tenn., and Fulton, Miss., as described in Certificate No. MC 35439, Sheet 1, issued August 26, 1949.

No. MC 42261 (Sub No. 41), (REPUBLICATION) filed March 25, 1960, published in the FEDERAL REGISTER, issue of April 6, 1960. Applicant: LANGER TRANSPORT CORP., Route 1, Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum refining catalyst* (dry) in bulk, in hopper-type vehicles, from Paulsboro, N.J., to Buffalo, N.Y.

NOTE: The purpose of this republication is to restrict the commodity to be transported to transportation in bulk, in hopper-type vehicles, inadvertently omitted from previous publication.

No. MC 66562 (Sub No. 1660), filed April 11, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Pittsfield, Maine and Greenville Junction, Maine, from Pittsfield over Maine Highway 11 to Newport, Maine, thence over Maine Highway 7 to Dover-Foxcroft, Maine, thence over Maine Highway 15 to Greenville Junction, and return over the same route, serving the intermediate points of Dover-Foxcroft, Guilford and Monson, Maine. The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

NOTE: Applicant states the proposed service will be an extension of its existing motor operation under Certificate in MC 66562 (Sub No. 1214) authorizing service between Dexter, Maine and Newport, Maine.

No. MC 66562 (Sub No. 1661), filed April 11, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, Southern Region Railway Express Agency, Incorporated, Suite 1220, The Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Classes A and B explosives*, but not including commodities in bulk, moving in express service, between Florence, S.C., and Conway, S.C., from Florence over South Carolina Highway 51 through Pamplico, S.C., to junction U.S. Highway 378, thence over U.S. Highway 378 to Conway, and return over the same route, serving the intermediate point of Pamplico, S.C. Restrictions: 1. The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of air or rail express service of applicant. 2. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by air or rail. 3. Such further specific conditions as the Commission may, in the future, find necessary to impose in order to restrict applicant's operations to service which is auxiliary to or supplemental of air or rail express service of applicant.

No. MC 102616 (Sub No. 689), filed March 29, 1960. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, Sterick Building, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from Midland, Pa., to Charleston, W. Va.

No. MC 106504 (Sub No. 6), filed April 11, 1960. Applicant: WIDHOLM FREIGHTWAYS, INCORPORATED, 1015 North Third Street, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Savage, Minn., and Valley Industrial Park, Minn.; from Savage over Minnesota Highway 101 to Valley Industrial Park, situated at a point approximately six (6) miles west of Savage on Minnesota Highway 101 and return over the same route, serving no intermediate or off-route points.

NOTE: Applicant states it controls St. Croix Transportation Company, MC 45970; therefore, common control may be involved. Applicant is authorized to conduct substantially the same operations as herein proposed under the Second Proviso of section 206(a)(1) in No. MC 106504 Sub No. 3.

No. MC 118668, filed April 11, 1960. Applicant: FORREST RATLIFF AND AUBURN RATLIFF, doing business as RATLIFF TRUCKING SERVICE, a Partnership, P.O. Box 104, Grundy, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, for livestock and poultry consumption, from Cincinnati, Ohio, to Oakwood, Haysi, Clintwood, and Wise, Va.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 109482 (Sub No. 10), filed April 11, 1960. Applicant: BESTWAY FREIGHT LINES, INC., 500 South Western, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, (1) between Randlett, Okla., and Wellington, Tex.: from Randlett over U.S. Highway 70 to junction Oklahoma Highway 36 and from junction U.S. Highway 277 and Oklahoma Highway 36, over Oklahoma Highway 36 to junction U.S. Highway 70, thence over Oklahoma Highway 70 to Grandfield, Okla., thence over Oklahoma Highway 36 to junction Oklahoma Highway 5, thence over Oklahoma Highway 5 to Elmer, Okla., thence over U.S. Highway 283 to Altus, Okla., thence over U.S. Highway 62 to junction U.S. Highway 83, and thence over U.S. Highway 83 to Wellington; also, from junction U.S. Highway 62 and Texas Highway 1642, over Texas Highway 1642 to Dodson, Tex., and thence over Texas Highway 388 to Wellington, and return over the same routes; (2) between Lawton, Okla., and Wellington, Tex.: from Lawton over U.S. Highway 62 to Altus, thence over U.S. Highway 283 via Mangum to junction Oklahoma Highway 9, thence over Oklahoma Highway 9 to the Oklahoma-Texas State line near Madge, Okla., and thence over Texas Highway 203 to Wellington, and return over the same route; (3) between Cyril, Okla., and junction U.S. Highway 283 and Oklahoma Highway 9: from Cyril over Oklahoma Highway 19 to junction Oklahoma Highway 58, thence over Oklahoma Highway 58 to Carnegie, Okla., and thence over Oklahoma Highway 9 to junction U.S. Highway 283, and return over the same route; (4) between Lone Wolf, Okla., and junction U.S. Highway 283 and Oklahoma Highway 44: from Lone Wolf over Oklahoma Highway 44 to its junction with U.S. Highway 283, and return over the same route; (5) between Chickasha, Okla., and Carnegie, Okla.: from Chickasha over Oklahoma Highway 9 to Carnegie, and return over the same route; and (6) between Anadarko, Okla., and Cyril, Okla.: from Anadarko over Oklahoma Highway 8 to

Cyril, and return over the same route, serving all intermediate and terminal points on the above-described regular routes.

Applicant also seeks to convert a portion of its irregular route operating rights embraced in Certificate MC 109482, issued December 20, 1949, as follows: *General commodities,* with same exceptions as first above set forth, between points in Oklahoma on and south of U.S. Highway 66, on and west of U.S. Highway 281, on and east of U.S. Highway 283, except Lawton and Fort Sill, on the one hand, and, on the other, points in Oklahoma, except Lawton and Fort Sill, those in that part of Kansas on and south of U.S. Highway 54, and on and west of U.S. Highway 77, and those in that part of Texas on and west of U.S. Highway 81 and on and north of a line beginning at Ringgold, Tex., and extending along U.S. Highway 82 to Wichita Falls, Tex., and thence along U.S. Highway 70 to Paducah, Tex., and on and east of U.S. Highway 83.

NOTE: This application is directly related to the section 5 application in No. MC-F-7015, J. W. Boyles—Control—B & W Freight Lines, Inc. In this connection see amended notice in respect of No. MC-F-7015, published concurrently.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7015 (J. W. BOYLES—CONTROL—B & W FREIGHT LINES, INC.), published in the October 22, 1958, issue of the FEDERAL REGISTER on page 8149. Petition filed April 11, 1960, for reconsideration of the report and order of March 8, 1960, by the Commission, Division 4, denying the applications (embracing No. MC 99501 Sub 1) and/or for alternative relief. Petition includes proposal to amend the Section 5 application for BESTWAY FREIGHT LINES, INC., 500 South Western Avenue, Oklahoma City, Okla., to acquire control of B & W FREIGHT LINES, INC., through purchase of capital stock, for the merger of the operations and the property of the latter into the former for ownership, management, and operation, and for J. W. BOYLES to acquire control of the operations and property through the transaction. See notice published concurrently regarding No. MC 109482 Sub. 10.

No. MC-F 7481 (CLAIRMONT TRANSFER CO.—PURCHASE—ROWE TRANSPORTATION LINE), published in the March 23, 1960, issue of the FEDERAL REGISTER on page 2461. Supplement filed April 11, 1960, to show joinder of RUTH K. NORTON and HERBERT J. NORTON, both of 520 Third Avenue South, Escanaba, Mich., as the persons controlling vendee.

No. MC-F 7488, (COLORADO MOTORWAY, INC—PURCHASE—M. M. YOUNG), published in the April 6, 1960, issue of the FEDERAL REGISTER on page 2937. Supplement filed April 8, 1960, to show joinder of I. B. JAMES and TED L. JAMES, both of 1805 Broadway, Denver 2, Colo., as the persons controlling vendee.

No. MC-F 7499. Authority sought for control by R. C. MOTOR LINES, INC., 2500 Laura Street, Jacksonville 3, Fla., of GEORGIA-FLORIDA MOTOR EXPRESS, INC., 1350 East Adams Street, Jacksonville, Fla., and for acquisition by B. S. REID and G. D. JOYNER, both of Jacksonville, of control of GEORGIA-FLORIDA MOTOR EXPRESS, INC., through the acquisition by R. C. MOTOR LINES, INC. Applicant's attorney: McCarthy Crenshaw, Barnett Building, Jacksonville, Fla. Operating rights sought to be controlled: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Atlanta, Ga., and Jacksonville, Fla., between Atlanta, Ga., and Jonesboro, Ga., between Conley, Ga., and junction unnumbered highway known as Mountain View Road and Georgia Highway 54, between Barnesville, Ga., and Perry, Ga., and between Hazelhurst, Ga., and junction Georgia Highway 15 and U.S. Highway 1, serving certain intermediate and off-route points; *frozen fruits and vegetables, salad dressing, meat, dressed poultry, lard, butter, oleomargarine, cheese,* and *eggs,* from Cincinnati, Ohio, to Augusta, Ga., from Cincinnati, Ohio, to Miami, Fla., from Cincinnati, Ohio, to Fort Myers, Fla., and from Cincinnati, Ohio, to Tampa, Fla., serving certain intermediate and off-route points for delivery only; *fresh and frozen fruits and vegetables, processed citrus fruits,* and *processed citrus fruit juices,* over regular and irregular routes, from certain points in Florida to Cincinnati, Ohio; *fresh and frozen peaches,* from certain points in Georgia to Cincinnati, Ohio; *canned goods,* over irregular routes, from Chicago, Ill., and Austin, Ind., and points within five miles of Austin, to Albany, Ga. R. C. MOTOR LINES, INC., is authorized to operate as a *common carrier* in New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7501. Authority sought for purchase by WESTERN OIL TRANSPORTATION COMPANY, INCORPORATED, P.O. Box 4187, Midland, Tex., of the operating rights and certain property of BRUCE BURNEY OIL HAULING, INC., Morton Highway, P.O. Box 1308, Levelland, Tex., and for acquisition by W. R. DAVIS, also of Midland, of control of such rights and property through the purchase. Applicants' attorneys: Charles D. Mathews and Thomas E. James, both of P.O. Box 858, Austin 65, Tex. Operating rights sought to be transferred: *Crude petroleum,* in bulk, in tank vehicles, as a *common carrier* over irregular routes, between points in New Mexico on and east of U.S. Highway 285, and on and south of U.S. Highway 54, between points in New Mexico on and east of U.S. Highway 285, and on and south of U.S. Highway 54, on the one hand, and, on the other, points in Texas on and south of U.S. Highway 66, on and west of U.S. Highway 87, on and north of U.S. Highway 80, and on and east of U.S. Highway 285, and between points in Texas on and west of U.S. Highway 281, on and north of U.S. Highway 290, and on and east of U.S. Highway 285; RESTRICTION: The service authorized hereinabove shall not be subject to joinder for the purpose of rendering through service; *water and oils* used in the completion, repair, or re-completion of gas wells and oil wells, between points in Chaves, Eddy, and Lea Counties, N. Mex., on the one hand, and, on the other, points in Andrews, Ector, Gaines, Ward, and Yoakum Counties, Tex. Vendee is authorized to operate as a *common carrier* in New Mexico and Texas. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7502. Authority sought for purchase by ROBERTSON TRANSPORTATION CO., INC., 1000 Robertson Place, Madison, Wis., of the operating rights and property of VITO W. MAIALE, doing business as SOUTHWEST WISCONSIN FREIGHT LINES, 12 South Lake Street, Madison, Wis., and for acquisition by JOHN C. ROBERTSON, also of Madison, of control of such rights and property through the purchase. Applicants' attorney: John L. Bruemmer, 121 West Doty Street, Madison 3, Wis. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes including routes between Madison, Wis., and Ridgeway, Wis., between Barneveld, Wis., and Hollandale, Wis., between Dodgeville, Wis., and Hollandale, Wis., between Platteville, Wis., and Ridgeway, Wis., and between Madison, Wis., and Platteville, Wis., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Illinois, Wisconsin, Indiana, Iowa, Minnesota, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7503. Authority sought for purchase by PAYNE TRANSFER, INC., 1700 Bryant Building, Kansas City, Mo., of the operating rights and property of KENNING LIQUIDATING CO., 500 West Fourth Street, Kansas City, Mo., and for acquisition by JAMES V. FINERAN and VIRGINIA A. FINERAN, both of 341 South Peck Avenue, La Grange, Ill., of control of such rights and property through the purchase. Applicants' attorney: James F. Miller, 500 Board of Trade Building, Kansas City 5, Mo. Operating rights sought to be transferred: *Such commodities,* as are dealt in by mail order stores, the business of which is the sale of general commodities, as a *contract carrier* under special and individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who operate mail order stores, the business of which is the sale of general commodities, over irregular routes, from

Kansas City, Mo., and Kansas City, Kans., to points in Douglas, Johnson, Leavenworth, Miami, and Wyandotte Counties, Kans., and those in Clay, Cass, Jackson, and Platte Counties, Mo.; *such commodities* (described above) as are refused, repossessed, damaged, or returned for repair, from the above-specified destination points to Kansas City, Mo., and Kansas City, Kans.; (under special and individual contracts or agreements with persons, as defined in section 203(a) of the Interstate Commerce Act who operate mail order houses and department stores, the business of which is the sale of general merchandise) *general merchandise*, as indicated immediately above, from points in the *Kansas City, Mo.-Kans.* Commercial Zone, as defined by the Commission, to points in Franklin, Jefferson, Atchison, Linn, and Anderson Counties, Kans., and those in Bates, Henry, Johnson, Lafayette, Caldwell, Ray, Clinton, and Buchanan Counties, Mo.; *damage, defective, repossessed or trade-in shipments* of the commodities described immediately above, from the above-specified destination points to the designated origin points. Vendee holds no authority from this Commission. However, it is affiliated with SOUTH BEND RENTAL SERVICE, INC., 341 South Peck Avenue, La Grange Ill., which is authorized to operate as a *contract carrier* in Indiana and Michigan. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F 7500. Authority sought for purchase by EDWARD DAVIS, doing business as BLACK AND WHITE TRANSIT COMPANY, Box 402, Grundy, Va., of a portion of the operating rights of VIRGINIA STAGE LINES, INCORPORATED, 114 Fourth Street SE., Charlottesville, Va. Applicants' attorney: William Cullen Battle, Post Office Box 1110, Charlottesville, Va. Operating rights sought to be transferred: *Passengers and their baggage*, and *express, newspapers* and *mail* in the same vehicle with passengers, as a *common carrier* over a regular route between Bluefield, W. Va., and Grundy, Va., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Virginia and Kentucky. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60–3566; Filed, Apr. 19, 1960; 8:48 a.m.]

[Notice 120]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 15, 1960.

The following letter-notices of proposals to operate over deviation route for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c)(8)), and notices thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protest against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2542 (Deviation No. 1) ADLEY EXPRESS COMPANY, 216 Crown Street, New Haven, Conn., filed March 31, 1960. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the Connecticut-Massachusetts State line over Connecticut Highway 15 (Wilbur Cross Highway) to Hartford, Conn., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Boston, Mass., over Massachusetts Highway 9 to Worcester, Mass., thence over Massachusetts Highway 12 to junction U.S. Highway 20, thence over U.S. Highway 20 to Sturbridge, Mass., thence over Massachusetts Highway 15 to the Massachusetts-Connecticut State line, thence over Connecticut Highway 15 to junction Connecticut Highway 20, thence over Connecticut Highway 20 via Stafford Springs, Conn., to junction Connecticut Highway 30, thence over Connecticut Highway 30 to junction Connecticut Highway 15, thence over Connecticut Highway 15 to junction Connecticut Highway 83, thence over Connecticut Highway 83 to South Manchester, Conn., thence over U.S. Highway 44 to Hartford, Conn., and return over the same route.

No. MC 2542 (Deviation No. 2) ADLEY EXPRESS COMPANY, 216 Crown Street, New Haven, Conn., filed March 31, 1960. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the eastern terminus of the Connecticut Turnpike, near South Killingly, Conn., over the Connecticut Turnpike to the New York-Connecticut State line, thence over the New England section of the New York Thruway to the intersection of Bruckner Boulevard and Westchester Avenue in Bronx, New York, N.Y., and return over the same route for operating convenience only, serving no intermediate points. (B) From the eastern terminus of the Massachusetts Turnpike at or near Weston, Mass., over the Massachusetts Turnpike to East Lee, Mass., and return over the same route for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Boston over U.S. Highway 1 to Philadelphia, Pa.; from Boston over U.S. Highway 20 to Springfield, Mass., thence over U.S. Highway 5 via Hartford and East Hartford, Conn., to New Haven, Conn. (also from Springfield over Alternate U.S. Highway 5 to New Haven), and thence over U.S. Highway 1 to Philadelphia; from Boston to Springfield as specified above, thence over U.S. Highway 20 to Westfield, Mass.; from Westfield over U.S. Highway 20 to Pittsfield, Mass., and return over the same routes.

No. MC 14252 (Deviation No. 2), COMMERCIAL MOTOR FREIGHT, INC., 525 Cleveland Avenue, Columbus, Ohio, filed March 28, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Cleveland, Ohio, over Ohio Highway 10 to junction Ohio Highway 301 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities from Cleveland over U.S. Highway 20 to Elyria, Ohio, thence over Ohio Highway 301 to junction Ohio Highway 10, and return over the same route.

No. MC 14252 (Deviation No. 3) COMMERCIAL MOTOR FREIGHT, INC, 525 Cleveland Avenue, Columbus 3, Ohio, filed March 28, 1960. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From Akron, Ohio, over Ohio Highway 261 to Wadsworth, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Akron over U.S. Highway 224 to Wadsworth, and return over the same route.

No. MC 30311 (Deviation No. 2), FREIGHT, INC., 1350 Kelly Avenue, Akron, Ohio, filed March 30, 1960. Carrier proposes to operate as a *common carrier* by motor vehicle, of *general commodities*, with certain exceptions over a deviation route as follows: From the junction of Ohio Highway 18 and Interstate Highway 71 near Medina, Ohio, over Interstate Highway 71 to junction U.S. Highway 30, thence over U.S. Highway 30 to Mansfield, Ohio, and return over the same routes for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent authorized service route as follows: From Akron, Ohio, over Ohio Highway 18 to Medina, Ohio, thence over U.S. Highway 42 to Mansfield; from Akron over U.S. Highway 224 to junction U.S. Highway 42, and return over the same routes.

No. MC 35320 (Deviation No. 2), T.I.M.E., Post Office Box 1120, Lubbock, Tex., filed March 28, 1960. Attorney W. D. Benson, Jr., same address as above.

Carrier proposes to operate as a *common carrier*, by motor vehicle of *general commodities* with certain exceptions, over a deviation route as follows: From Kansas City, Mo., over U.S. Highway 69 to junction Kansas State Highway 57, approximately 5 miles south of Pittsburg, Kans. thence over Kansas State Highway 57 to the Kansas-Missouri State Line, and thence over Missouri State Highway 57 to Joplin, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to operate between Kansas City and Joplin, Mo., over U.S. Highway 71.

No. MC 74721 (Deviation No. 7) MOTOR CARGO, INC., 1540 West Market Street, Akron 13, Ohio, filed March 31, 1960. Attorney M. E. Mack, same address. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route as follows: From the junction of Ohio Highway 18 and Interstate Highway 71 near Medina, Ohio, over Interstate Highway 71 to Columbus, Ohio, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cleveland over U.S. Highway 42 to Medina, Ohio, thence over Ohio Highway 3 to Columbus, Ohio.

No. MC 104004 (Deviation No. 2), ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York 17, N.Y., filed March 28, 1960. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From the Norristown interchange of the Pennsylvania Turnpike over the northeast extension of said Turnpike to the Scranton, Pa. interchange, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodity between Philadelphia and Scranton, Pa., over U.S. Highways 309 and 611 and Pennsylvania Highway 12, among others.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 60-3565; Filed, Apr. 19, 1960; 8:48 a.m.]

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